

ARTICLE V
GENERAL PROVISIONS

The provisions set forth in this and all other Articles of this act are limitations on the appropriations made in this Act. It is the purpose of the Legislature in enacting this bill only to appropriate funds and to restrict and limit by its provisions the amount and conditions under which the appropriations can be expended.

PROVISIONS RELATING TO THE POSITION CLASSIFICATION PLAN

Section 1. Except as otherwise specifically provided in this Act, expenditures of appropriations for the salaries of employees in classified positions in all affected agencies named in Article I, II, IV and the Central Education Agency and Schools for the Deaf and Blind in Article III of this Act, shall be governed by and be in conformity with the provisions of this Section, including the following list of position classification numbers, position titles, salary group allocations, and rates of pay in classification salary schedules hereinafter provided. As used with respect to salary ranges, "minimum" means the lowest rate in a salary range; "midpoint" means the rate designated as Step 4; and "maximum" means the rate designated as Step 8.

DETAILED LISTING OF ALL CLASSIFIED POSITIONS

| Class Number | Position Title | Salary Group |
|-----------------|-----------------------------------|-----------------|
| 0005 | Switchboard Operator | 05 |
| 0006 | Switchboard Operator/Receptionist | 05 |
| 0008 | Switchboard Operator Supervisor | 06 |
| 0011 | Messenger | 02 |
| 0051 | Clerk I | 02 |
| 0053 | Clerk II | 04 |
| 0055 | Clerk III | 06 |
| 0061 | Clerical Supervisor I | 06 |
| 0063 | Clerical Supervisor II | 07 |
| 0065 | Clerical Supervisor III | 09 |
| 0067 | Clerical Supervisor IV | 11 |
| 0103 | Clerk Typist I | 03 |
| 0106 | Clerk Typist II | 04 |
| 0131 | Secretary I | 05 |
| 0133 | Secretary II | 06 |
| 0135 | Secretary III | 07 |
| 0137 | Legal Secretary I | 09 |
| 0138 | Administrative Secretary | 09 |
| 0141 | Hearings Reporter I | 10 |
| 0142 | Hearings Reporter II | 12 |
| 0143 | Hearings Reporter III | 14 |
| 0146 | Legal Secretary II | 11 |
| 0201 | Data Entry Operator I | 04 |
| 0203 | Data Entry Operator II | 06 |
| 0205 | Data Entry Operator III | 08 |
| 0206 | Data Entry Operator IV | 10 |
| 0211 | Data Entry Supervisor I | 09 |
| 0213 | Data Entry Supervisor II | 11 |
| 0215 | Data Entry Supervisor III | 13 |
| 0221 | ADP Equipment Operator I | 07 |
| 0223 | ADP Equipment Operator II | 09 |
| 0225 | ADP Equipment Operator III | 11 |
| 0227 | ADP Equipment Operator IV | 14 |
| 0231 | ADP Supervisor I | 12 |
| 0232 | ADP Supervisor II | 14 |
| 0233 | ADP Supervisor III | 16 |
| 0234 | ADP Supervisor IV | 18 |
| 0239 | ADP Programmer Apprentice | 12 |
| 0240 | ADP Programmer I | 14 |
| 0241 | ADP Programmer II | 16 |
| 0242 | ADP Programmer III | 18 |
| 0243 | ADP Programmer IV | 20 |
| 0244 | ADP Record Control Clerk I | 05 |
| 0245 | ADP Record Control Clerk II | 07 |
| 0246 | ADP Record Control Clerk III | 09 |
| 0247 | Magnetic Tape Librarian | 08 |
| 0251 | Programmer Analyst I | 18 |
| 0252 | Programmer Analyst II | 20 |
| 0253 | Programmer Analyst III | 21 |
| 0254 | Systems Support Specialist IV | 16 |
| 0255 | Systems Support Specialist I | 10 |
| 0257 | Systems Support Specialist II | 12 |
| 0259 | Systems Support Specialist III | 14 |
| 0260 | Systems Analyst I | 16 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS

(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|---------------------------------------|-------------------------|
| 0262 | Systems Analyst II | 18 |
| 0264 | Systems Analyst III | 20 |
| 0266 | Systems Analyst IV | 21 |
| 0268 | Systems Programmer I | 18 |
| 0269 | Systems Programmer II | 20 |
| 0270 | Systems Programmer III | 21 |
| 0273 | Assistant Director of ADP | 21 |
| 0274 | Director of ADP I | 19 |
| 0275 | Director of ADP II | 21 |
| 0277 | Data Base Administrator I | 16 |
| 0278 | Data Base Administrator II | 18 |
| 0279 | Data Base Administrator III | 20 |
| 0280 | Data Base Administrator IV | 21 |
| 0281 | Telecommunications Specialist I | 12 |
| 0282 | Telecommunications Specialist II | 14 |
| 0283 | Telecommunications Specialist III | 16 |
| 0284 | Telecommunications Supervisor | 18 |
| 0285 | Telecommunications Administrator | 20 |
| 0287 | Network Manager I | 16 |
| 0288 | Network Manager II | 18 |
| 0289 | Network Manager III | 20 |
| 0290 | Word Processing Operator I | 06 |
| 0292 | Word Processing Operator II | 08 |
| 0294 | Word Processing Operator III | 10 |
| 0306 | Duplicating Machine Operator I | 05 |
| 0308 | Duplicating Machine Operator II | 08 |
| 0309 | Reproduction Equipment Operator I | 09 |
| 0310 | Reproduction Equipment Operator II | 11 |
| 0311 | Reproduction Equipment Operator III | 13 |
| 0312 | Reproduction Equipment Operator IV | 15 |
| 0316 | Reproduction Equipment Supervisor I | 12 |
| 0317 | Reproduction Equipment Supervisor II | 14 |
| 0318 | Reproduction Equipment Supervisor III | 16 |
| 0320 | Director of Reprographics | 18 |
| 0325 | Bindery Technician I | 05 |
| 0326 | Bindery Technician II | 07 |
| 0327 | Bindery Technician IV | 11 |
| 0328 | Bindery Technician III | 09 |
| 0340 | Microfilm Camera Operator I | 06 |
| 0341 | Microfilm Camera Operator II | 08 |
| 0343 | Micrographics Technician I | 09 |
| 0344 | Micrographics Technician II | 11 |
| 0346 | Micrographics Supervisor I | 13 |
| 0347 | Micrographics Supervisor II | 15 |
| 0351 | Darkroom Technician | 06 |
| 0361 | Photographer I | 10 |
| 0363 | Photographer II | 12 |
| 0365 | Photographer III | 14 |
| 0367 | Photographer IV | 16 |
| 0515 | Planning Assistant | 16 |
| 0516 | Planner I | 17 |
| 0517 | Planner II | 19 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|------------------------------------|-------------------------|
| 0518 | Planner III | 20 |
| 0519 | Planner IV | 21 |
| 0520 | Director, Program Planning | 21 |
| 0540 | Research Assistant I | 11 |
| 0542 | Research Assistant II | 13 |
| 0544 | Research Specialist I | 15 |
| 0546 | Research Specialist II | 17 |
| 0548 | Research Specialist III | 18 |
| 0550 | Director of Research | 19 |
| 0552 | Research Associate | 19 |
| 0554 | Chief of Research | 21 |
| 1001 | Accounting Clerk I | 04 |
| 1002 | Accounting Clerk II | 06 |
| 1003 | Accounting Clerk III | 08 |
| 1004 | Accounting Clerk IV | 10 |
| 1051 | Hearings Examiner IV | 21 |
| 1052 | Hearings Examiner III | 19 |
| 1053 | Hearings Examiner II | 17 |
| 1054 | Hearings Examiner I | 14 |
| 1056 | Prehearing Examiner, TWCC | 20 |
| 1057 | Senior Prehearing Examiner, TWCC | 21 |
| 1058 | Ombudsman, TWCC | 16 |
| 1059 | Taxpayer Compliance Officer I | 11 |
| 1060 | Taxpayer Compliance Officer II | 12 |
| 1061 | Taxpayer Compliance Officer III | 14 |
| 1067 | Senior Enforcement Officer I | 16 |
| 1068 | Senior Enforcement Officer II | 18 |
| 1070 | Senior Tax Auditor I | 18 |
| 1071 | Senior Tax Auditor II | 21 |
| 1081 | Accounts Examiner I | 11 |
| 1082 | Accounts Examiner II | 13 |
| 1083 | Accounts Examiner III | 15 |
| 1084 | Auditor IV | 18 |
| 1085 | Auditor V | 20 |
| 1086 | Accounts Examiner IV | 17 |
| 1087 | Supervising Accounts Examiner | 17 |
| 1088 | Auditor I | 12 |
| 1089 | Auditor II | 14 |
| 1090 | Auditor III | 16 |
| 1091 | Assistant State Auditor I | 13 |
| 1092 | Assistant State Auditor II | 15 |
| 1093 | Assistant State Auditor III | 17 |
| 1097 | Assistant State Auditor IV | 19 |
| 1098 | Assistant State Auditor V | 21 |
| 1101 | Insurance Examiner I | 12 |
| 1102 | Insurance Examiner II | 14 |
| 1103 | Insurance Examiner III | 16 |
| 1107 | Insurance Examiner IV | 18 |
| 1108 | Insurance Examiner V | 20 |
| 1114 | Assistant Chief Insurance Examiner | 21 |
| 1120 | EDP Audit Specialist I | 14 |
| 1121 | EDP Audit Specialist II | 16 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|--|-------------------------|
| 1122 | EDP Audit Specialist III | 18 |
| 1123 | EDP Audit Specialist IV | 20 |
| 1124 | EDP Audit Specialist V | 21 |
| 1130 | Investment Officer I | 18 |
| 1131 | Investment Officer II | 20 |
| 1142 | Senior Examiner | 19 |
| 1144 | Supervising Analyst | 19 |
| 1145 | Securities Analyst | 15 |
| 1146 | Senior Analyst | 17 |
| 1147 | Supervising Examiner | 20 |
| 1150 | Budget Examiner I | 14 |
| 1151 | Budget Examiner II | 17 |
| 1152 | Budget Examiner III | 19 |
| 1153 | Budget Examiner IV | 21 |
| 1155 | Budget Analyst I | 14 |
| 1156 | Budget Analyst II | 17 |
| 1157 | Budget Analyst III | 19 |
| 1158 | Budget Analyst IV | 21 |
| 1161 | Accountant I | 11 |
| 1162 | Accountant II | 13 |
| 1163 | Accountant III | 16 |
| 1164 | Chief Accountant I | 17 |
| 1165 | Chief Accountant II | 19 |
| 1166 | Chief Accountant III | 20 |
| 1169 | Director of Finance | 20 |
| 1180 | Assistant Investment Officer | 21 |
| 1192 | Claims Officer I | 11 |
| 1193 | Claims Officer II | 13 |
| 1194 | Claims Officer III | 15 |
| 1195 | Claims Officer IV | 17 |
| 1205 | Assistant Director, Auditing and Tax Reporting | 21 |
| 1206 | Assistant Director of Auditing | 19 |
| 1207 | Director of Auditing | 21 |
| 1208 | Director of Accounting | 21 |
| 1209 | Management Audit Assistant | 14 |
| 1211 | Management Auditor I | 15 |
| 1213 | Management Auditor II | 17 |
| 1215 | Supervising Management Auditor | 19 |
| 1217 | Management Audit Director | 21 |
| 1220 | Internal Auditor I | 13 |
| 1222 | Internal Auditor II | 15 |
| 1224 | Internal Auditor III | 17 |
| 1226 | Internal Auditor IV | 19 |
| 1228 | Internal Auditor V | 20 |
| 1230 | Internal Audit Director | 21 |
| 1301 | State Technical Operations Officer | 14 |
| 1302 | Emergency Management Information Officer | 17 |
| 1408 | Document Examiner I | 07 |
| 1410 | Document Examiner II | 09 |
| 1412 | Document Examiner III | 11 |
| 1414 | Document Examiner Supervisor | 13 |
| 1501 | Administrative Technician I | 08 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|---|-------------------------|
| 1502 | Administrative Technician II | 11 |
| 1503 | Administrative Technician III | 13 |
| 1504 | Administrative Technician IV | 15 |
| 1506 | Executive Assistant I | 17 |
| 1507 | Executive Assistant II | 19 |
| 1545 | Division Director | 21 |
| 1549 | Director of Records Service | 18 |
| 1550 | Staff Services Officer I | 16 |
| 1551 | Staff Services Officer II | 18 |
| 1552 | Staff Services Officer III | 19 |
| 1553 | Staff Services Officer IV | 20 |
| 1554 | Chief of Staff Services | 21 |
| 1556 | Deputy Administrator | 21 |
| 1557 | Director of Programs I | 20 |
| 1558 | Special Project Director | 21 |
| 1559 | Director of Programs II | 21 |
| 1561 | Operations Director I | 19 |
| 1562 | Operations Director II | 20 |
| 1563 | Program Administrator I | 17 |
| 1564 | Program Administrator II | 18 |
| 1565 | Program Administrator III | 19 |
| 1576 | Time Distribution Specialist I | 13 |
| 1577 | Time Distribution Specialist II | 15 |
| 1580 | Field Records Analyst | 09 |
| 1581 | Methods and Procedures Specialist | 16 |
| 1582 | Technical Writer | 15 |
| 1584 | Administrative Procedures Technician | 16 |
| 1656 | Director of Business Management | 18 |
| 1657 | Business Manager I | 17 |
| 1658 | Business Manager II | 19 |
| 1659 | Business Manager III | 21 |
| 1701 | Human Resources Management Clerk I | 04 |
| 1702 | Human Resources Management Clerk II | 06 |
| 1703 | Human Resources Management Clerk III | 08 |
| 1704 | Human Resources Management Clerk IV | 10 |
| 1711 | Human Resources Management Assistant I | 11 |
| 1712 | Human Resources Management Assistant II | 13 |
| 1721 | Position Classification Analyst I | 14 |
| 1722 | Position Classification Analyst II | 17 |
| 1723 | Position Classification Analyst III | 19 |
| 1724 | Assistant Classification Officer | 21 |
| 1726 | Human Resources Management Technician | 16 |
| 1727 | Human Resources Management Specialist | 18 |
| 1731 | Human Resources Management Officer I | 15 |
| 1732 | Human Resources Management Officer II | 16 |
| 1733 | Human Resources Management Officer III | 17 |
| 1749 | Assistant Human Resources Management Director | 16 |
| 1750 | Human Resources Management Director I | 18 |
| 1751 | Human Resources Management Director II | 19 |
| 1755 | Director, Human Resources and Staff Development | 21 |
| 1780 | Training Specialist I | 11 |
| 1781 | Training Specialist II | 13 |

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DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|--|-------------------------|
| 1782 | Training Specialist III | 15 |
| 1783 | Training Specialist IV | 17 |
| 1784 | Training Specialist V | 19 |
| 1795 | Civil Rights Compliance Specialist | 17 |
| 1801 | Statistical Clerk I | 04 |
| 1802 | Statistical Clerk II | 06 |
| 1803 | Statistical Clerk III | 08 |
| 1811 | Statistician I | 09 |
| 1812 | Statistician II | 12 |
| 1813 | Statistician III | 15 |
| 1816 | Statistician IV | 17 |
| 1831 | Traffic Recorder I | 05 |
| 1832 | Traffic Recorder II | 06 |
| 1845 | Traffic Data Coordinator I | 14 |
| 1855 | Traffic Data Coordinator II | 16 |
| 1859 | Journalist I | 10 |
| 1860 | Journalist II | 12 |
| 1861 | Coordinator, Informational Media | 18 |
| 1862 | Information Specialist I | 14 |
| 1863 | Information Specialist II | 16 |
| 1864 | Information Specialist III | 18 |
| 1866 | Research and Information Specialist | 21 |
| 1867 | Educational Writer | 16 |
| 1868 | Chief of Community Relations | 19 |
| 1869 | Chief of Media Relations | 19 |
| 1873 | Exhibit Technician I | 10 |
| 1874 | Exhibit Technician II | 12 |
| 1875 | Exhibit Technician III | 14 |
| 1889 | Supervisor, Instructional Media Laboratory | 16 |
| 1890 | Audio Visual Technician I | 09 |
| 1891 | Audio Visual Technician II | 14 |
| 1892 | Audio Visual Technician III | 16 |
| 1895 | Museum Curator | 15 |
| 1899 | Audio Visual Director | 16 |
| 1901 | Stock Clerk I | 02 |
| 1902 | Stock Clerk II | 04 |
| 1903 | Stock Clerk III | 06 |
| 1906 | Methods Analyst | 14 |
| 1911 | Warehouse Supervisor | 09 |
| 1915 | Warehouse Superintendent | 12 |
| 1925 | Property Inventory Clerk I | 03 |
| 1926 | Property Inventory Clerk II | 06 |
| 1929 | Property Coordinator | 09 |
| 1931 | Property Manager | 14 |
| 1935 | Purchasing Clerk I | 04 |
| 1936 | Purchasing Clerk II | 06 |
| 1937 | Purchasing Clerk III | 08 |
| 1940 | Purchasing Clerk IV | 10 |
| 1954 | Purchaser I | 12 |
| 1955 | Purchaser II | 14 |
| 1956 | Purchaser III | 16 |
| 1957 | Purchaser IV | 18 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|---|-------------------------|
| 1958 | Specifications Chief | 18 |
| 1960 | Specifications Technician I | 14 |
| 1961 | Specifications Technician II | 17 |
| 1983 | Economist I | 14 |
| 1985 | Economist II | 16 |
| 1986 | Economist III | 18 |
| 1987 | Economist IV | 20 |
| 2000 | Drafter I | 08 |
| 2001 | Drafter II | 12 |
| 2002 | Drafter III | 15 |
| 2015 | Graphics Designer I | 12 |
| 2016 | Graphics Designer II | 14 |
| 2017 | Graphics Designer III | 16 |
| 2050 | Assistant Land Surveyor, GLO | 17 |
| 2052 | Senior Land Surveyor, GLO | 20 |
| 2054 | Assistant Chief Land Surveyor, GLO | 21 |
| 2071 | Manufacturing Process and Plant Inspector | 15 |
| 2117 | Engineering Aide I | 02 |
| 2118 | Engineering Aide II | 04 |
| 2119 | Engineering Aide III | 06 |
| 2120 | Engineering Aide IV | 08 |
| 2121 | Engineering Technician I | 08 |
| 2122 | Engineering Technician II | 10 |
| 2123 | Engineering Technician III | 12 |
| 2124 | Engineering Technician IV | 14 |
| 2125 | Engineering Technician V | 16 |
| 2127 | Engineering Specialist I | 17 |
| 2128 | Engineering Specialist II | 18 |
| 2129 | Engineering Specialist III | 19 |
| 2130 | Engineering Specialist IV | 20 |
| 2151 | Engineering Assistant I | 14 |
| 2153 | Engineering Assistant II | 15 |
| 2155 | Engineering Assistant III | 16 |
| 2156 | Engineer I | 17 |
| 2158 | Engineer II | 18 |
| 2159 | Superintendent of Utilities | 21 |
| 2160 | Engineer III | 19 |
| 2162 | Engineer IV | 20 |
| 2164 | Engineer V | 21 |
| 2170 | Interactive Graphics Technician I | 11 |
| 2172 | Interactive Graphics Technician II | 13 |
| 2174 | Interactive Graphics Technician III | 15 |
| 2176 | Interactive Graphics Technician IV | 17 |
| 2191 | Utility Specialist I | 17 |
| 2192 | Utility Specialist II | 19 |
| 2193 | Utility Specialist III | 20 |
| 2194 | Utility Specialist IV | 21 |
| 2251 | Project Design Assistant I | 14 |
| 2253 | Project Design Assistant II | 15 |
| 2254 | Project Design Assistant III | 16 |
| 2255 | Hydrologist Assistant III | 16 |
| 2256 | Architect I | 17 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|--|-------------------------|
| 2258 | Architect II | 18 |
| 2260 | Architect III | 19 |
| 2262 | Architect IV | 20 |
| 2264 | Architect V | 21 |
| 2351 | Geologist Assistant I | 14 |
| 2353 | Geologist Assistant II | 15 |
| 2355 | Geologist Assistant III | 16 |
| 2356 | Geologist I | 17 |
| 2358 | Geologist II | 18 |
| 2360 | Geologist III | 19 |
| 2362 | Geologist IV | 20 |
| 2364 | Geologist V | 21 |
| 2366 | Chief of Building Engineering and Management | 21 |
| 2451 | Landscape Architect Assistant I | 14 |
| 2453 | Landscape Architect Assistant II | 15 |
| 2456 | Landscape Architect I | 17 |
| 2458 | Landscape Architect II | 18 |
| 2460 | Landscape Architect III | 19 |
| 2462 | Landscape Architect IV | 20 |
| 2464 | Landscape Architect V | 21 |
| 2551 | Hydrologist Assistant I | 14 |
| 2553 | Hydrologist Assistant II | 15 |
| 2556 | Hydrologist I | 17 |
| 2558 | Hydrologist II | 18 |
| 2560 | Hydrologist III | 19 |
| 2562 | Hydrologist IV | 20 |
| 2564 | Hydrologist V | 21 |
| 2661 | Chemist I | 11 |
| 2662 | Chemist II | 13 |
| 2663 | Chemist III | 15 |
| 2664 | Chemist IV | 17 |
| 2665 | Chemist V | 19 |
| 2667 | Chemist VI | 21 |
| 2720 | Deputy State Fire Marshal Apprentice | 11 |
| 2721 | Deputy State Fire Marshal I | 13 |
| 2722 | Deputy State Fire Marshal II | 15 |
| 2723 | Deputy State Fire Marshal III | 17 |
| 2724 | Deputy State Fire Marshal IV | 19 |
| 2725 | Deputy State Fire Marshal V | 21 |
| 2746 | Fire and Safety Officer | 15 |
| 2750 | Safety Officer I | 15 |
| 2751 | Safety Officer II | 17 |
| 2752 | Safety Manager I | 19 |
| 2753 | Safety Manager II | 21 |
| 2785 | Safety Services Inspector I | 16 |
| 2787 | Safety Services Inspector II | 17 |
| 2789 | Safety Services Inspector III | 19 |
| 2791 | Financial Examiner Trainee | 16 |
| 2793 | Assistant Financial Examiner | 19 |
| 2795 | Commissioned Financial Examiner | 21 |
| 2800 | Actuary I | 19 |
| 2802 | Actuary II | 20 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|---|-------------------------|
| 2804 | Actuary III | 21 |
| 2810 | Risk Management Specialist I | 15 |
| 2811 | Risk Management Specialist II | 17 |
| 2812 | Risk Management Specialist III | 18 |
| 2813 | Risk Manager I | 20 |
| 2814 | Risk Manager II | 21 |
| 2823 | Insurance Technician I | 08 |
| 2824 | Insurance Technician II | 10 |
| 2825 | Insurance Technician III | 12 |
| 2826 | Insurance Technician IV | 14 |
| 2827 | Insurance Technician V | 15 |
| 2828 | Insurance Technician VI | 16 |
| 2829 | Insurance Technician VII | 17 |
| 2830 | Insurance Technician VIII | 18 |
| 2841 | Insurance Specialist I | 12 |
| 2842 | Insurance Specialist II | 14 |
| 2843 | Insurance Specialist III | 16 |
| 2844 | Insurance Specialist IV | 17 |
| 2845 | Insurance Specialist V | 18 |
| 2880 | Insurance Director I | 19 |
| 2883 | Insurance Director II | 20 |
| 2885 | Insurance Director III | 21 |
| 2911 | Retirement System Benefits Specialist I | 10 |
| 2912 | Retirement System Benefits Specialist II | 12 |
| 2917 | Retirement System Benefits Specialist III | 14 |
| 2919 | Retirement System Benefits Specialist IV | 16 |
| 3001 | Interviewing Clerk | 08 |
| 3003 | Youth Program Supervisor | 16 |
| 3005 | Employment Interviewer I | 10 |
| 3006 | Employment Interviewer II | 11 |
| 3007 | Employment Interviewer III | 12 |
| 3009 | Employment Interviewer IV | 13 |
| 3011 | Supervising Interviewer | 13 |
| 3020 | Counselor Interviewer | 12 |
| 3021 | Employment Counselor I | 13 |
| 3022 | Employment Counselor II | 14 |
| 3023 | Employment Counselor III | 15 |
| 3031 | Veterans Employment Representative I | 13 |
| 3032 | Veterans Employment Representative II | 14 |
| 3033 | Veterans Employment Representative III | 15 |
| 3041 | Employment Supervisor I | 14 |
| 3042 | Employment Supervisor II | 15 |
| 3043 | Employment Supervisor III | 16 |
| 3051 | Area Manager I | 16 |
| 3052 | Area Manager II | 17 |
| 3053 | Area Manager III | 18 |
| 3054 | Area Manager IV | 19 |
| 3061 | Employment Security Field Assistant | 17 |
| 3075 | Area Manager V | 20 |
| 3101 | Employment Technician I | 13 |
| 3102 | Employment Technician II | 14 |
| 3103 | Employment Technician III | 16 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|--|-------------------------|
| 3121 | Placement Specialist I | 15 |
| 3122 | Placement Specialist II | 16 |
| 3129 | Chief of Job Service Operations, TEC | 21 |
| 3141 | Labor Market Analyst I | 12 |
| 3142 | Labor Market Analyst II | 13 |
| 3143 | Labor Market Analyst III | 15 |
| 3148 | Supervising Labor Market Analyst | 16 |
| 3151 | Unemployment Insurance Claims Examiner I | 10 |
| 3152 | Unemployment Insurance Claims Examiner II | 12 |
| 3153 | Unemployment Insurance Claims Examiner III | 13 |
| 3158 | Supervising Unemployment Insurance Claims Examiner | 14 |
| 3171 | Unemployment Insurance Specialist I | 15 |
| 3172 | Unemployment Insurance Specialist II | 16 |
| 3184 | Unemployment Insurance Supervisor | 17 |
| 3190 | Appeals Referee I, TEC | 15 |
| 3191 | Appeals Referee II, TEC | 16 |
| 3192 | Appeals Referee III, TEC | 18 |
| 3193 | Assistant Supervisor of Appeals, TEC | 19 |
| 3194 | Supervisor of Appeals, TEC | 21 |
| 3195 | Unemployment Tax Supervisor, TEC | 16 |
| 3202 | Associate Chief of Employment Service | 19 |
| 3211 | Unemployment Tax Specialist I | 15 |
| 3212 | Unemployment Tax Specialist II | 16 |
| 3425 | Supervising Inspector | 16 |
| 3501 | Legal Examiner | 21 |
| 3510 | Director of Hearings | 21 |
| 3511 | Assistant Director of Hearings | 19 |
| 3534 | Attorney I | 14 |
| 3535 | Attorney II | 15 |
| 3536 | Attorney III | 17 |
| 3537 | Attorney IV | 18 |
| 3538 | Attorney V | 19 |
| 3539 | Attorney VI | 21 |
| 3550 | Deputy Clerk I | 09 |
| 3552 | Deputy Clerk II | 11 |
| 3554 | Deputy Clerk III | 14 |
| 3556 | Deputy Clerk IV | 17 |
| 3560 | Appellate Secretary I | 09 |
| 3562 | Appellate Secretary II | 11 |
| 3564 | Appellate Secretary III | 13 |
| 3570 | Legal Assistant I | 12 |
| 3572 | Legal Assistant II | 14 |
| 3574 | Legal Assistant III | 16 |
| 3605 | Legal Counselor | 19 |
| 3606 | Assistant General Counsel | 18 |
| 3607 | General Counsel | 21 |
| 3643 | Investigator I | 12 |
| 3644 | Investigator II | 14 |
| 3645 | Investigator III | 16 |
| 3646 | Investigator IV | 18 |
| 3701 | Right of Way Appraiser I | 13 |
| 3702 | Right of Way Appraiser II | 15 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|--|-------------------------|
| 3705 | Right of Way Appraiser III | 19 |
| 3721 | Right of Way Agent I | 12 |
| 3722 | Right of Way Agent II | 14 |
| 3723 | Right of Way Agent III | 16 |
| 3726 | Right of Way Agent IV | 18 |
| 3741 | Right of Way Utility Agent I | 11 |
| 3742 | Right of Way Utility Agent II | 13 |
| 3743 | Right of Way Utility Agent III | 16 |
| 3746 | Right of Way Utility Agent IV | 18 |
| 3776 | Senior Investigator-Examiner | 17 |
| 3802 | Reimbursement Officer I | 09 |
| 3803 | Reimbursement Officer II | 11 |
| 3804 | Reimbursement Officer III | 13 |
| 3806 | Reimbursement Officer IV | 15 |
| 3808 | Reimbursement Officer V | 17 |
| 3900 | Appraiser I | 13 |
| 3901 | Appraiser II | 15 |
| 3902 | Appraiser III | 17 |
| 3903 | Supervising Appraiser | 19 |
| 3904 | Chief Appraiser | 21 |
| 3906 | Appraiser IV | 18 |
| 4001 | Nutritionist I | 11 |
| 4002 | Nutritionist II | 13 |
| 4003 | Nutritionist III | 15 |
| 4004 | Nutritionist IV | 18 |
| 4005 | Nutritionist V | 20 |
| 4021 | Clinical Records Clerk | 06 |
| 4041 | Visual Education Specialist | 11 |
| 4055 | Health Program Specialist I | 17 |
| 4056 | Health Program Specialist II | 19 |
| 4060 | Environmental Quality Specialist I | 11 |
| 4061 | Environmental Quality Specialist II | 13 |
| 4062 | Environmental Quality Specialist III | 15 |
| 4063 | Environmental Quality Specialist IV | 17 |
| 4064 | Environmental Quality Specialist V | 19 |
| 4065 | Environmental Quality Specialist VI | 21 |
| 4070 | Public Health Technician I | 11 |
| 4072 | Public Health Technician II | 13 |
| 4074 | Public Health Technician III | 15 |
| 4076 | Public Health Technician IV | 17 |
| 4081 | Epidemiologist I | 15 |
| 4082 | Epidemiologist II | 17 |
| 4083 | Epidemiologist III | 19 |
| 4084 | Epidemiologist IV | 21 |
| 4085 | Wastewater Enforcement Coordinator I | 11 |
| 4086 | Wastewater Enforcement Coordinator II | 13 |
| 4087 | Wastewater Enforcement Coordinator III | 15 |
| 4088 | Wastewater Enforcement Coordinator IV | 17 |
| 4089 | Wastewater Enforcement Coordinator V | 19 |
| 4090 | Wastewater Enforcement Coordinator VI | 21 |
| 4108 | Sanitation Inspector I | 07 |
| 4109 | Sanitation Inspector II | 11 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|--|-------------------------|
| 4111 | Sanitarian I | 11 |
| 4112 | Sanitarian II | 13 |
| 4113 | Sanitarian III | 15 |
| 4114 | Sanitarian IV | 17 |
| 4115 | Sanitarian V | 19 |
| 4116 | Sanitarian VI | 21 |
| 4124 | Veterinarian I | 17 |
| 4125 | Veterinarian II | 19 |
| 4127 | Veterinarian III | 21 |
| 4141 | Inspector I | 09 |
| 4142 | Inspector II | 11 |
| 4143 | Inspector III | 13 |
| 4144 | Inspector IV | 15 |
| 4158 | Consultant Hospital Administration I | 17 |
| 4159 | Consultant Hospital Administration II | 19 |
| 4160 | Consultant Hospital Administration III | 21 |
| 4203 | Laboratory Technician I | 03 |
| 4204 | Laboratory Technician II | 05 |
| 4206 | Laboratory Technician III | 07 |
| 4207 | Laboratory Technician IV | 09 |
| 4208 | Laboratory Technician V | 11 |
| 4212 | Infection Control Practitioner I | 16 |
| 4213 | Infection Control Practitioner II | 18 |
| 4216 | Medical Technologist I | 12 |
| 4217 | Medical Technologist II | 15 |
| 4218 | Medical Technologist III | 18 |
| 4219 | Microbiologist I | 11 |
| 4220 | Microbiologist II | 13 |
| 4221 | Microbiologist III | 15 |
| 4222 | Microbiologist IV | 17 |
| 4223 | Microbiologist V | 19 |
| 4224 | Microbiologist VI | 21 |
| 4233 | Cytotechnologist I | 13 |
| 4234 | Cytotechnologist II | 16 |
| 4235 | Cytotechnologist III | 19 |
| 4257 | Laboratory Consultant | 19 |
| 4290 | Radiological Technologist Assistant | 03 |
| 4291 | Radiological Technologist I | 06 |
| 4292 | Radiological Technologist II | 08 |
| 4293 | Radiological Technologist III | 11 |
| 4298 | Electroencephalograph Technician | 09 |
| 4340 | Orthopedic Equipment Assistant | 06 |
| 4342 | Orthopedic Equipment Technician I | 08 |
| 4344 | Orthopedic Equipment Technician II | 10 |
| 4345 | Orthopedic Equipment Technician III | 12 |
| 4348 | Therapist Technician I | 02 |
| 4349 | Therapist Technician II | 04 |
| 4350 | Therapist Technician III | 05 |
| 4351 | Therapist Technician IV | 07 |
| 4352 | Therapist Technician V | 09 |
| 4354 | Registered Therapist I | 12 |
| 4355 | Registered Therapist II | 14 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|---|-------------------------|
| 4356 | Registered Therapist III | 16 |
| 4357 | Registered Therapist IV | 18 |
| 4358 | Registered Therapist V | 19 |
| 4359 | Registered Therapist Assistant I | 09 |
| 4360 | Registered Therapist Assistant II | 11 |
| 4370 | Medical Aide I | 02 |
| 4372 | Medical Aide II | 04 |
| 4373 | Medical Aide III | 05 |
| 4376 | Medical Aide IV | 07 |
| 4377 | Medical Technician I | 09 |
| 4378 | Medical Technician II | 11 |
| 4379 | Medical Technician III | 13 |
| 4380 | Nurse Program Specialist I | 17 |
| 4381 | Nurse Program Specialist II | 19 |
| 4383 | Advanced Nurse Practitioner | 17 |
| 4384 | Nurse I | 12 |
| 4385 | Nurse II | 14 |
| 4386 | Nurse III | 16 |
| 4387 | Nurse IV | 18 |
| 4388 | Nurse V | 20 |
| 4391 | MHMR Aide | 03 |
| 4392 | MHMR Services Assistant | 05 |
| 4393 | MHMR Specialist I | 06 |
| 4394 | MHMR Specialist II | 07 |
| 4395 | MHMR Supervisor | 09 |
| 4411 | Licensed Vocational Nurse I | 08 |
| 4412 | Licensed Vocational Nurse II | 10 |
| 4413 | Medical Assistant I | 11 |
| 4414 | Medical Assistant II | 13 |
| 4417 | Qualified Mental Retardation Professional I | 13 |
| 4418 | Qualified Mental Retardation Professional II | 14 |
| 4419 | Qualified Mental Retardation Professional III | 15 |
| 4420 | Qualified Mental Retardation Professional IV | 16 |
| 4423 | Physician Assistant | 19 |
| 4424 | Pulmonary Physiology Technician | 09 |
| 4426 | Respiratory Care Practitioner I | 07 |
| 4427 | Respiratory Care Practitioner II | 09 |
| 4428 | Respiratory Care Practitioner III | 11 |
| 4469 | Nursing Consultant | 20 |
| 4481 | Dental Assistant I | 04 |
| 4482 | Dental Assistant II | 06 |
| 4483 | Dental Assistant III | 08 |
| 4484 | Dental Lab Technician | 12 |
| 4488 | Dental Hygienist I | 13 |
| 4489 | Dental Hygienist II | 16 |
| 4490 | Pharmacist I | 16 |
| 4491 | Pharmacist II | 18 |
| 4492 | Pharmacist III | 20 |
| 4497 | Pharmacy Technician I | 06 |
| 4498 | Pharmacy Technician II | 08 |
| 4499 | Pharmacy Technician III | 10 |
| 4501 | Correctional Officer I | 07 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|---|-------------------------|
| 4502 | Correctional Officer II | 09 |
| 4503 | Correctional Officer III | 11 |
| 4530 | Sergeant of Correctional Officers | 13 |
| 4535 | Lieutenant of Correctional Officers | 14 |
| 4536 | Captain of Correctional Officers | 15 |
| 4537 | Major of Correctional Officers | 17 |
| 4556 | Warden I | 19 |
| 4558 | Warden II | 21 |
| 4560 | Counsel Substitute I | 11 |
| 4561 | Counsel Substitute II | 13 |
| 4562 | Counsel Substitute III | 15 |
| 4570 | Correctional Transportation Officer I | 11 |
| 4571 | Correctional Transportation Officer II | 12 |
| 4608 | Superintendent, Canning Plant | 15 |
| 4618 | Superintendent, Packing Plant | 15 |
| 4634 | Marketing Agent, Department of Corrections | 17 |
| 4646 | Industrial Supervisor I | 11 |
| 4647 | Industrial Supervisor II | 12 |
| 4648 | Industrial Supervisor III | 13 |
| 4649 | Industrial Supervisor IV | 14 |
| 4650 | Industrial Supervisor V | 16 |
| 4651 | Industrial Supervisor VI | 18 |
| 4658 | Superintendent of Gins | 15 |
| 4667 | Assistant Manager, Livestock and Poultry Production | 17 |
| 4671 | Unit Agriculture Supervisor I | 12 |
| 4672 | Unit Agriculture Supervisor II | 13 |
| 4673 | Unit Agriculture Supervisor III | 14 |
| 4679 | Superintendent of Harvesting Equipment | 15 |
| 4685 | Farm Manager I | 15 |
| 4686 | Farm Manager II | 16 |
| 4702 | Assistant Recreation Supervisor | 09 |
| 4703 | Recreations Supervisor | 11 |
| 4735 | Education Consultant | 14 |
| 4739 | Correctional Medication Aide | 09 |
| 4741 | Chemical Dependency Counselor I | 13 |
| 4742 | Chemical Dependency Counselor II | 14 |
| 4752 | Canteen Manager I | 10 |
| 4753 | Canteen Manager II | 13 |
| 5001 | Social Service Worker I | 11 |
| 5002 | Social Service Worker II | 12 |
| 5003 | Social Service Worker III | 13 |
| 5004 | Human Services Specialist | 15 |
| 5006 | Social Service Supervisor I | 15 |
| 5007 | Social Service Supervisor II | 16 |
| 5011 | Social Service Case Analyst I | 14 |
| 5012 | Social Service Case Analyst II | 16 |
| 5014 | Social Service Program Consultant | 17 |
| 5017 | Adult Protective Services Specialist I | 14 |
| 5018 | Adult Protective Services Specialist II | 16 |
| 5019 | Adult Protective Services Specialist III | 17 |
| 5020 | Institutional Licensing Representative | 15 |
| 5023 | Child Protective Services Specialist I | 12 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|---|-------------------------|
| 5024 | Child Protective Services Specialist II | 14 |
| 5025 | Child Protective Services Specialist III | 15 |
| 5026 | Child Protective Services Specialist IV | 16 |
| 5028 | Child Protective Services Specialist V | 17 |
| 5035 | Income Assistance Specialist I | 11 |
| 5036 | Income Assistance Specialist II | 12 |
| 5037 | Income Assistance Specialist III | 13 |
| 5038 | Income and Medical Assistance Specialist I | 12 |
| 5039 | Income and Medical Assistance Specialist II | 13 |
| 5041 | Social Service Administrator I | 18 |
| 5042 | Social Service Administrator II | 19 |
| 5043 | Social Service Administrator III | 20 |
| 5044 | Social Service Administrator IV | 21 |
| 5046 | Case Review Specialist | 11 |
| 5050 | Disability Services Technician I | 06 |
| 5051 | Disability Services Technician II | 08 |
| 5052 | Disability Determination Officer I | 12 |
| 5053 | Disability Determination Officer II | 14 |
| 5055 | Disability Examiner I | 15 |
| 5057 | Disability Examiner II | 16 |
| 5058 | Disability Examiner III | 17 |
| 5059 | Rehabilitation Technician I | 11 |
| 5060 | Rehabilitation Technician II | 13 |
| 5061 | Disability Determination Officer III | 16 |
| 5062 | Vocational Rehabilitation Counselor I | 15 |
| 5063 | Vocational Rehabilitation Counselor II | 16 |
| 5066 | Director, Vocational Rehabilitation | 21 |
| 5068 | Vocational Rehabilitation Counselor III | 17 |
| 5069 | Human Services Hearing Officer | 18 |
| 5070 | Rehabilitation Services Technician I | 07 |
| 5071 | Rehabilitation Services Technician II | 09 |
| 5072 | Rehabilitation Services Technician III | 11 |
| 5073 | Rehabilitation Services Technician IV | 13 |
| 5078 | Chaplaincy Services Assistant I | 09 |
| 5079 | Chaplaincy Services Assistant II | 11 |
| 5080 | Chaplaincy Services Assistant III | 12 |
| 5081 | Chaplain I | 13 |
| 5082 | Chaplain II | 16 |
| 5083 | Chaplain III | 18 |
| 5105 | Veterans Assistance Counselor I | 14 |
| 5106 | Veterans Assistance Counselor II | 15 |
| 5107 | Veterans Assistance Counselor III | 16 |
| 5108 | Veterans Assistance Supervisor I | 17 |
| 5109 | Veterans Assistance Supervisor II | 18 |
| 5150 | Parole Analyst | 16 |
| 5151 | Parole Officer I | 14 |
| 5152 | Parole Officer II | 15 |
| 5153 | Parole Supervisor | 18 |
| 5155 | Parole Officer III | 16 |
| 5165 | Parole Regional Supervisor | 20 |
| 5190 | Youth Activities Supervisor I | 07 |
| 5191 | Youth Activities Supervisor II | 09 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|--|-------------------------|
| 5192 | Youth Activities Supervisor III | 11 |
| 5193 | Youth Activities Supervisor IV | 12 |
| 5201 | Houseparent I | 06 |
| 5203 | Houseparent II | 08 |
| 5204 | Houseparent III | 11 |
| 5206 | Workshop Program Director | 18 |
| 5210 | Recreation Program Manager | 13 |
| 5211 | Caseworker I | 09 |
| 5212 | Caseworker II | 12 |
| 5213 | Caseworker III | 15 |
| 5215 | Medical Caseworker/Psychiatric Caseworker | 18 |
| 5216 | Caseworker Assistant | 06 |
| 5218 | Clinical Social Work Assistant | 08 |
| 5220 | Clinical Social Worker I | 11 |
| 5221 | Clinical Social Worker II | 13 |
| 5222 | Clinical Social Worker III | 15 |
| 5223 | Clinical Social Worker IV | 17 |
| 5224 | Clinical Social Worker V | 18 |
| 5231 | Assistant Volunteer Coordinator I | 11 |
| 5232 | Assistant Volunteer Coordinator II | 13 |
| 5233 | Coordinator for Volunteer Services I | 15 |
| 5234 | Coordinator for Volunteer Services II | 17 |
| 5243 | Chief of Volunteer Services | 19 |
| 5250 | Psychologist | 16 |
| 5251 | Clinical Psychologist | 17 |
| 5252 | Psychological Assistant | 12 |
| 5253 | Associate Clinical Psychologist I | 15 |
| 5254 | Associate Clinical Psychologist II | 16 |
| 5255 | Associate Clinical Psychologist III | 17 |
| 5256 | Associate Clinical Psychologist IV | 18 |
| 5257 | Associate Clinical Psychologist V | 19 |
| 5258 | Associate Clinical Psychologist VI | 20 |
| 5260 | Case Manager Assistant | 09 |
| 5261 | Case Manager I | 11 |
| 5262 | Case Manager II | 13 |
| 5263 | Case Manager III | 15 |
| 5264 | Case Manager Supervisor | 17 |
| 5268 | Research Technician I | 06 |
| 5269 | Research Technician II | 12 |
| 5351 | Rehabilitation Teacher I | 10 |
| 5352 | Rehabilitation Teacher II | 12 |
| 5354 | Rehabilitation Caseworker | 14 |
| 5355 | Rehabilitation Assistant I, Commission for the Blind | 07 |
| 5356 | Rehabilitation Assistant II, Commission for the Blind | 09 |
| 5370 | Supervising Business Consultant I, Business Enterprises Program | 15 |
| 5371 | Supervising Business Consultant II, Business Enterprises Program | 17 |
| 5375 | Field Operations Specialist, Business Enterprises Program | 17 |
| 5377 | Supervisor, Field Operations, Commission for the Blind | 18 |
| 5378 | Coordinator of Rehabilitation | 16 |
| 5401 | Program Coordinator, Commission on Alcohol and Drug Abuse | 14 |
| 5501 | Community Service Aide I | 02 |
| 5502 | Community Service Aide II | 04 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|---|-------------------------|
| 5503 | Community Service Aide III | 06 |
| 5504 | Social Services Technician I | 07 |
| 5505 | Social Services Technician II | 09 |
| 5508 | Office Support Clerk | 05 |
| 5510 | Regional Director | 21 |
| 5511 | Assistant Regional Director I | 20 |
| 5512 | Program Specialist I | 18 |
| 5513 | Program Specialist II | 19 |
| 5514 | Chief of Program Evaluation | 19 |
| 5515 | Vocational Rehabilitation Supervisor I | 18 |
| 5516 | Vocational Rehabilitation Supervisor II | 19 |
| 5517 | Quality Control Analyst I | 14 |
| 5518 | Quality Control Analyst II | 15 |
| 5519 | Quality Control Analyst III | 16 |
| 5521 | Quality Control Field Manager | 17 |
| 5522 | Quality Control Section Director | 19 |
| 5523 | Aging Program Specialist I | 17 |
| 5524 | Aging Program Specialist II | 18 |
| 5525 | Aging Program Specialist III | 20 |
| 5527 | Program Specialist III | 20 |
| 5528 | Assistant Regional Director II | 21 |
| 5530 | Child Development Specialist I | 09 |
| 5531 | Child Development Specialist II | 11 |
| 5532 | Child Development Specialist III | 13 |
| 5533 | Child Development Specialist IV | 15 |
| 5534 | Child Development Specialist V | 17 |
| 5540 | Child Support Officer I | 11 |
| 5541 | Child Support Officer II | 13 |
| 5542 | Child Support Officer III | 15 |
| 5543 | Child Support Officer IV | 17 |
| 5600 | Contract Technician I | 09 |
| 5602 | Contract Technician II | 11 |
| 5604 | Contract Technician III | 13 |
| 5606 | Contract Specialist I | 15 |
| 5607 | Contract Specialist II | 16 |
| 5610 | Interpreter I | 09 |
| 5612 | Interpreter II | 11 |
| 5614 | Interpreter III | 14 |
| 5616 | Interpreter IV | 16 |
| 5618 | Interpreter V | 18 |
| 6025 | Accident Code Clerk I | 06 |
| 6026 | Accident Code Clerk II | 07 |
| 6027 | Lead Accident Code Clerk I | 07 |
| 6028 | Lead Accident Code Clerk II | 08 |
| 6029 | Accident Code Supervisor I | 09 |
| 6030 | Accident Code Supervisor II | 11 |
| 6070 | Criminalist I | 13 |
| 6071 | Criminalist II | 14 |
| 6072 | Criminalist III | 15 |
| 6073 | Criminalist IV | 16 |
| 6074 | Criminalist V | 17 |
| 6075 | Criminalist VI | 18 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|--|-------------------------|
| 6076 | Supervising Criminalist I | 18 |
| 6077 | Supervising Criminalist II | 19 |
| 6095 | Communications Center Shift Leader | 10 |
| 6098 | Communications Center Operator | 07 |
| 6099 | Communications Center Specialist | 08 |
| 6100 | Police Communications Operator I | 11 |
| 6103 | Police Communications Operator II | 12 |
| 6104 | Police Communications Operator III | 13 |
| 6105 | Supervisor, Police Communications Facility | 15 |
| 6109 | Regional Supervisor, Police Communications | 17 |
| 6110 | Headquarters Communication Center Supervisor | 16 |
| 6111 | Polygraph Examiner I | 13 |
| 6112 | Polygraph Examiner II | 15 |
| 6113 | Latent Print Technician | 12 |
| 6114 | Fingerprint Technician Trainee | 10 |
| 6115 | Fingerprint Technician I | 11 |
| 6116 | Fingerprint Technician II | 12 |
| 6117 | Fingerprint Shift Supervisor | 14 |
| 6130 | Crime Laboratory Evidence Technician | 11 |
| 6132 | Assistant Field Laboratory Manager | 20 |
| 6148 | Forensic Artist | 14 |
| 6161 | Evaluator I | 10 |
| 6162 | Evaluator II | 12 |
| 6163 | Evaluator III | 15 |
| 6220 | Records Technician I, DPS | 07 |
| 6221 | Records Technician II, DPS | 09 |
| 6222 | Records Technician III, DPS | 10 |
| 6224 | Drivers License Technician | 08 |
| 6225 | Drivers License Examiner | 10 |
| 6301 | Port of Entry Inspector I | 08 |
| 6302 | Port of Entry Inspector II | 10 |
| 6303 | Port of Entry Inspector III | 12 |
| 6308 | Port of Entry Supervisor | 13 |
| 6705 | Chief Investigator, Motor Vehicle Division | 18 |
| 6707 | Supervisor, Motor Vehicles Section | 17 |
| 6715 | Motor Vehicle Transfer Analyst | 12 |
| 6745 | Field Representative I | 13 |
| 6746 | Field Representative II | 15 |
| 6805 | Assistant Superintendent | 21 |
| 6900 | State Capitol Security Police Officer | 12 |
| 6901 | State Capitol Security Police Sergeant | 14 |
| 6902 | State Capitol Security Police Lieutenant | 16 |
| 6905 | State Capitol Security Police Captain | 17 |
| 6910 | Chief of Capitol Security Police | 21 |
| 7005 | Educational Program Director | 19 |
| 7009 | Director, Instructional Media Division | 20 |
| 7021 | Education Specialist I | 17 |
| 7022 | Education Specialist II | 18 |
| 7032 | Archaeologist Assistant | 11 |
| 7039 | Program Officer I | 17 |
| 7040 | Program Officer II | 19 |
| 7041 | Program Officer III | 21 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|-------------------------------------|-------------------------|
| 7304 | Archeologist I | 13 |
| 7306 | Archeologist II | 15 |
| 7308 | Archeologist III | 17 |
| 7310 | State Archeologist | 21 |
| 7315 | Historian I | 11 |
| 7317 | Historian II | 13 |
| 7319 | Historian III | 15 |
| 7401 | Librarian I | 11 |
| 7402 | Librarian II | 13 |
| 7403 | Librarian III | 15 |
| 7404 | Library Consultant/Administrator | 16 |
| 7405 | Archivist I | 11 |
| 7407 | Archivist II | 13 |
| 7409 | Archivist III | 15 |
| 7413 | Translator, Spanish | 10 |
| 7415 | Library Assistant I | 05 |
| 7416 | Library Assistant II | 07 |
| 7417 | Library Assistant III | 09 |
| 7420 | Law Librarian I | 14 |
| 7421 | Law Librarian II | 16 |
| 7450 | Medical Librarian | 05 |
| 7451 | Clinical Records Technician | 08 |
| 7452 | Clinical Records Administrator I | 14 |
| 7453 | Clinical Records Administrator II | 17 |
| 7500 | Fish and Wildlife Technician I | 08 |
| 7501 | Fish and Wildlife Technician II | 10 |
| 7502 | Fish and Wildlife Technician III | 13 |
| 7503 | Fish and Wildlife Technician IV | 15 |
| 7542 | Biologist I, Conservation | 12 |
| 7543 | Biologist II, Conservation | 14 |
| 7549 | Biologist III, Conservation | 16 |
| 7610 | Agricultural Supervisor | 08 |
| 7617 | Assistant Agriculture Inspector I | 06 |
| 7618 | Assistant Agriculture Inspector II | 08 |
| 7619 | Assistant Agriculture Inspector III | 10 |
| 7620 | Agriculture Inspector I | 12 |
| 7621 | Agriculture Inspector II | 14 |
| 7622 | Agriculture Inspector III | 16 |
| 7623 | Agriculture Inspector IV | 18 |
| 7650 | Animal Health Inspector I | 06 |
| 7651 | Animal Health Inspector II | 08 |
| 7652 | Animal Health Inspector III | 10 |
| 7653 | Animal Health Inspector IV | 12 |
| 7654 | Animal Health Inspector V | 14 |
| 7655 | Animal Health Area Supervisor | 16 |
| 7701 | Seed Analyst I | 08 |
| 7702 | Seed Analyst II | 10 |
| 7703 | Seed Analyst III | 12 |
| 7704 | Seed Analyst IV | 14 |
| 7705 | Seed Analyst V | 16 |
| 7730 | Agronomist I | 12 |
| 7731 | Agronomist II | 15 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|---------------------------------------|-------------------------|
| 7732 | Agronomist III | 18 |
| 7734 | Marketing Specialist I | 12 |
| 7735 | Marketing Specialist II | 14 |
| 7736 | Marketing Specialist III | 16 |
| 7737 | Marketing Specialist IV | 18 |
| 7741 | Soil Conservationist | 17 |
| 7805 | Operations and Maintenance Supervisor | 18 |
| 7816 | Park Ranger I | 06 |
| 7817 | Park Ranger II | 08 |
| 7818 | Park Ranger III | 10 |
| 8001 | Building Custodian I | 02 |
| 8009 | Building Custodian II | 03 |
| 8010 | Building Custodian III | 05 |
| 8011 | Housekeeping Manager I | 11 |
| 8012 | Housekeeping Manager II | 13 |
| 8013 | Housekeeping Manager III | 15 |
| 8019 | Housekeeping Supervisor I | 08 |
| 8020 | Housekeeping Supervisor II | 10 |
| 8031 | Groundskeeper I | 04 |
| 8032 | Groundskeeper II | 05 |
| 8033 | Groundskeeper III | 07 |
| 8050 | Security Officer I | 08 |
| 8051 | Security Officer II | 10 |
| 8052 | Security Officer III | 12 |
| 8060 | Security Worker I | 02 |
| 8061 | Security Worker II | 03 |
| 8063 | Security Worker III | 05 |
| 8065 | Security Worker IV | 07 |
| 8102 | Food Service Worker I | 02 |
| 8103 | Food Service Worker II | 03 |
| 8104 | Food Service Worker III | 05 |
| 8115 | Cook I | 02 |
| 8116 | Cook II | 03 |
| 8117 | Head Cook I | 04 |
| 8118 | Head Cook II | 06 |
| 8149 | Assistant Food Service Manager | 09 |
| 8150 | Food Service Manager I | 13 |
| 8151 | Food Service Manager II | 16 |
| 8153 | Chief of Food Service Management | 18 |
| 8158 | Dietetic Technician | 09 |
| 8159 | Dietetic Assistant | 07 |
| 8160 | Dietitian I | 11 |
| 8161 | Dietitian II | 13 |
| 8165 | Dietitian III | 15 |
| 8202 | Sewing Room Worker | 02 |
| 8203 | Sewing Room Supervisor | 06 |
| 8249 | Washer | 05 |
| 8251 | Laundry Worker I | 02 |
| 8252 | Laundry Worker II | 03 |
| 8255 | Laundry Supervisor | 06 |
| 8260 | Laundry Manager I | 09 |
| 8261 | Laundry Manager II | 11 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|---|-------------------------|
| 8262 | Laundry Manager III | 14 |
| 8263 | Manager, Laundry and Linen Services | 16 |
| 8301 | Barber I | 05 |
| 8302 | Barber II | 06 |
| 8310 | Cosmetologist I | 05 |
| 8311 | Cosmetologist II | 06 |
| 9001 | Helper, Maintenance and Construction | 03 |
| 9003 | Laborer | 02 |
| 9034 | Air Conditioning and Boiler Operator I | 07 |
| 9035 | Air Conditioning and Boiler Operator II | 09 |
| 9036 | Air Conditioning and Boiler Operator III | 11 |
| 9037 | Air Conditioning and Boiler Operator IV | 14 |
| 9039 | Chief Air Conditioning and Boiler Operator | 17 |
| 9041 | Maintenance Mechanic I | 06 |
| 9042 | Maintenance Mechanic II | 08 |
| 9043 | Maintenance Mechanic III | 09 |
| 9044 | Maintenance Mechanic IV | 11 |
| 9046 | Maintenance Mechanic V | 13 |
| 9047 | Electrical and Air Conditioning Mechanic I | 11 |
| 9048 | Electrical and Air Conditioning Mechanic II | 12 |
| 9049 | Electrical and Air Conditioning Mechanic III | 14 |
| 9050 | Chief Electrical and Air Conditioning Mechanic | 16 |
| 9051 | Maintenance Supervisor I | 10 |
| 9052 | Maintenance Supervisor II | 12 |
| 9053 | Maintenance Supervisor III | 14 |
| 9054 | Maintenance Supervisor IV | 15 |
| 9085 | Plant Maintenance Manager I | 14 |
| 9086 | Plant Maintenance Manager II | 16 |
| 9087 | Plant Maintenance Manager III | 18 |
| 9088 | Plant Maintenance Manager IV | 20 |
| 9089 | Plant Maintenance Superintendent | 21 |
| 9090 | General Construction Inspector | 18 |
| 9091 | Chief, Construction and Inspection | 20 |
| 9094 | Building Manager | 14 |
| 9096 | Clerk of the Works I | 15 |
| 9097 | Clerk of the Works II | 18 |
| 9099 | Superintendent of Building and Equipment, Department of Corrections | 15 |
| 9122 | Locksmith | 10 |
| 9201 | Tunnel Guard I | 07 |
| 9202 | Tunnel Guard II | 09 |
| 9204 | Tunnel Machinery Operator | 09 |
| 9221 | Deckhand | 09 |
| 9223 | Oiler | 09 |
| 9226 | Ships Carpenter | 09 |
| 9228 | Maintenance Welder, Ferry | 09 |
| 9236 | Assistant Ferry Manager | 14 |
| 9238 | Ferry Manager | 15 |
| 9291 | Maintenance Construction Supervisor I | 14 |
| 9292 | Maintenance Construction Supervisor II | 15 |
| 9293 | Maintenance Construction Supervisor III | 16 |
| 9305 | Roadway Maintenance Supervisor I | 13 |
| 9306 | Roadway Maintenance Supervisor II | 15 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|---|-------------------------|
| 9307 | Roadway Maintenance Supervisor III | 16 |
| 9308 | Roadway Maintenance Supervisor IV | 17 |
| 9309 | Roadway Maintenance Supervisor V | 18 |
| 9312 | District Roadway Maintenance Superintendent I | 17 |
| 9313 | District Roadway Maintenance Superintendent II | 18 |
| 9314 | District Roadway Maintenance Superintendent III | 19 |
| 9401 | Truck Driver I | 02 |
| 9402 | Truck Driver II | 05 |
| 9403 | Truck Driver III, Heavy Vans | 09 |
| 9416 | Motor Vehicle Mechanic I | 08 |
| 9417 | Motor Vehicle Mechanic II | 10 |
| 9418 | Motor Vehicle Mechanic III | 12 |
| 9421 | Motor Vehicle Repair, Supervisor | 14 |
| 9510 | Machinist I | 10 |
| 9512 | Machinist II | 12 |
| 9514 | Machinist III | 14 |
| 9516 | Welder, Combination | 08 |
| 9518 | Welding Technician | 16 |
| 9533 | Sign Superintendent | 15 |
| 9541 | Shop Supervisor I | 09 |
| 9542 | Shop Supervisor II | 12 |
| 9543 | Shop Supervisor III | 13 |
| 9544 | Shop Supervisor IV | 15 |
| 9548 | Equipment and Services Superintendent | 17 |
| 9620 | Aircraft Pilot I | 15 |
| 9622 | Aircraft Pilot II | 17 |
| 9624 | Aircraft Pilot III | 19 |
| 9626 | Chief Pilot | 20 |
| 9630 | Aircraft Mechanic Apprentice | 10 |
| 9632 | Aircraft Mechanic I | 13 |
| 9634 | Aircraft Mechanic II | 15 |
| 9635 | Aircraft Mechanic III | 17 |
| 9636 | Line Chief | 17 |
| 9638 | Senior Aircraft Mechanic and Inspector | 19 |
| 9642 | Chief of Aircraft Maintenance | 21 |
| 9654 | Avionics Manager | 19 |
| 9711 | Radio Mechanic I | 09 |
| 9712 | Radio Mechanic II | 11 |
| 9713 | Radio Tower Technician I | 11 |
| 9714 | Radio Specialist | 11 |
| 9715 | Radio Tower Technician II | 13 |
| 9716 | Communications Electronic Technician I | 12 |
| 9718 | Communications Electronic Technician II | 14 |
| 9722 | Communications Superintendent I | 12 |
| 9723 | Communications Superintendent II | 14 |
| 9724 | Communications Superintendent III | 17 |
| 9727 | Communications Officer | 14 |
| 9729 | Office Machine Service Technician I | 09 |
| 9732 | Office Machine Service Technician II | 11 |
| 9733 | Office Machine Service Technician III | 13 |
| 9736 | Office Machine Service Technician IV | 16 |
| 9740 | Metrologist I | 12 |

DETAILED LISTING OF ALL CLASSIFIED POSITIONS
(Continued)

| Class Number | Position Title | Salary Group |
|-------------------------|--------------------------------------|-------------------------|
| 9742 | Metrologist II | 15 |
| 9743 | Metrologist III | 17 |
| 9755 | Traffic Signal Repair Technician I | 09 |
| 9756 | Traffic Signal Repair Technician II | 12 |
| 9757 | Traffic Signal Repair Technician III | 14 |
| 9758 | Traffic Signal Repair Technician IV | 15 |

CLASSIFICATION SALARY SCHEDULE

(For the Year Beginning September 1, 1993)

| Salary Group | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------------------------|----------|----------|----------|----------|----------|----------|----------|----------|
| 02 | 11,976 | 12,336 | 12,708 | 13,092 | 13,464 | 13,860 | 14,256 | 14,676 |
| 03 | 12,708 | 13,092 | 13,464 | 13,860 | 14,256 | 14,676 | 15,132 | 15,576 |
| 04 | 13,464 | 13,860 | 14,256 | 14,676 | 15,132 | 15,576 | 16,044 | 16,524 |
| 05 | 14,256 | 14,676 | 15,132 | 15,576 | 16,044 | 16,524 | 17,052 | 17,640 |
| 06 | 15,132 | 15,576 | 16,044 | 16,524 | 17,052 | 17,640 | 18,192 | 18,768 |
| 07 | 16,044 | 16,524 | 17,052 | 17,640 | 18,192 | 18,768 | 19,344 | 19,992 |
| 08 | 17,052 | 17,640 | 18,192 | 18,768 | 19,344 | 19,992 | 20,652 | 21,348 |
| 09 | 18,192 | 18,768 | 19,344 | 19,992 | 20,652 | 21,348 | 22,032 | 22,776 |
| 10 | 19,344 | 19,992 | 20,652 | 21,348 | 22,032 | 22,776 | 23,532 | 24,324 |
| 11 | 20,652 | 21,348 | 22,032 | 22,776 | 23,532 | 24,324 | 25,140 | 25,980 |
| 12 | 22,032 | 22,776 | 23,532 | 24,324 | 25,140 | 25,980 | 26,832 | 27,744 |
| 13 | 23,532 | 24,324 | 25,140 | 25,980 | 26,832 | 27,744 | 28,668 | 29,628 |
| 14 | 25,140 | 25,980 | 26,832 | 27,744 | 28,668 | 29,628 | 30,588 | 31,656 |
| 15 | 26,832 | 27,744 | 28,668 | 29,628 | 30,588 | 31,656 | 32,700 | 33,792 |
| 16 | 28,668 | 29,628 | 30,588 | 31,656 | 32,700 | 33,792 | 34,932 | 36,108 |
| 17 | 30,588 | 31,656 | 32,700 | 33,792 | 34,932 | 36,108 | 37,308 | 38,544 |
| 18 | 33,792 | 34,932 | 36,108 | 37,308 | 38,544 | 39,816 | 41,160 | 42,528 |
| 19 | 36,108 | 37,308 | 38,544 | 39,816 | 41,160 | 42,528 | 43,992 | 45,420 |
| 20 | 38,544 | 39,816 | 41,160 | 42,528 | 43,992 | 45,420 | 46,968 | 48,552 |
| 21 | 41,160 | 42,528 | 43,992 | 45,420 | 46,968 | 48,552 | 50,160 | 51,864 |

CLASSIFICATION SALARY SCHEDULE

(For the Year Beginning September 1, 1994)

| Salary Group | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------------------------|----------|----------|----------|----------|----------|----------|----------|----------|
| 02 | 11,976 | 12,336 | 12,708 | 13,092 | 13,464 | 13,860 | 14,256 | 14,676 |
| 03 | 12,708 | 13,092 | 13,464 | 13,860 | 14,256 | 14,676 | 15,132 | 15,576 |
| 04 | 13,464 | 13,860 | 14,256 | 14,676 | 15,132 | 15,576 | 16,044 | 16,524 |
| 05 | 14,256 | 14,676 | 15,132 | 15,576 | 16,044 | 16,524 | 17,052 | 17,640 |
| 06 | 15,132 | 15,576 | 16,044 | 16,524 | 17,052 | 17,640 | 18,192 | 18,768 |
| 07 | 16,044 | 16,524 | 17,052 | 17,640 | 18,192 | 18,768 | 19,344 | 19,992 |
| 08 | 17,052 | 17,640 | 18,192 | 18,768 | 19,344 | 19,992 | 20,652 | 21,348 |
| 09 | 18,192 | 18,768 | 19,344 | 19,992 | 20,652 | 21,348 | 22,032 | 22,776 |
| 10 | 19,344 | 19,992 | 20,652 | 21,348 | 22,032 | 22,776 | 23,532 | 24,324 |
| 11 | 20,652 | 21,348 | 22,032 | 22,776 | 23,532 | 24,324 | 25,140 | 25,980 |
| 12 | 22,032 | 22,776 | 23,532 | 24,324 | 25,140 | 25,980 | 26,832 | 27,744 |
| 13 | 23,532 | 24,324 | 25,140 | 25,980 | 26,832 | 27,744 | 28,668 | 29,628 |
| 14 | 25,140 | 25,980 | 26,832 | 27,744 | 28,668 | 29,628 | 30,588 | 31,656 |
| 15 | 26,832 | 27,744 | 28,668 | 29,628 | 30,588 | 31,656 | 32,700 | 33,792 |
| 16 | 28,668 | 29,628 | 30,588 | 31,656 | 32,700 | 33,792 | 34,932 | 36,108 |
| 17 | 30,588 | 31,656 | 32,700 | 33,792 | 34,932 | 36,108 | 37,308 | 38,544 |
| 18 | 33,792 | 34,932 | 36,108 | 37,308 | 38,544 | 39,816 | 41,160 | 42,528 |
| 19 | 36,108 | 37,308 | 38,544 | 39,816 | 41,160 | 42,528 | 43,992 | 45,420 |
| 20 | 38,544 | 39,816 | 41,160 | 42,528 | 43,992 | 45,420 | 46,968 | 48,552 |
| 21 | 41,160 | 42,528 | 43,992 | 45,420 | 46,968 | 48,552 | 50,160 | 51,864 |

SALARY PROVISIONS

1. **Salary Rates for Classified Positions.** For each fiscal year of the biennium beginning September 1, 1993, within the limitation of funds available for salaries of classified positions, annual salary rates for classified positions shall be in accordance with the above Classification Salary Schedules. Except as specifically provided by other provisions of this Act, salaries of state employees who in August 1993 are in classified positions shall be converted to the salary schedule set forth in this Act as follows:
 - a. For the fiscal year beginning September 1, 1993 the salary of an employee, who in August 1993 is paid at a numbered salary step in salary groups 2 through 21, shall be converted to the salary schedule for fiscal year 1994 in this Act at the same numbered salary step in the same salary group in which paid in August 1993.
 - b. For the fiscal year beginning September 1, 1994 the salary of an employee, who in August 1994 is paid at a numbered salary step in salary groups 2 through 21, shall be converted to the salary schedule for fiscal year 1995 in this Act at the same numbered salary step in the same salary group in which paid in August 1994.
2. **Salary When an Employee Changes Salary Status.** An employee who moves, within an agency or transfers from one agency to another, from an exempt or line-item position to a classified position, shall receive an annual salary rate in the proper salary group not to exceed the salary step equal to the current salary or the next higher salary step rate.
3. **Adjustments to Salary Rates for Reallocated or Reclassified Positions.**
 - a. Reallocation to a higher salary group -- an employee whose classified position is reallocated by this Act to a higher salary group shall receive the step 1 rate in the higher salary group or the rate which he would have received had his classified position not been reallocated, whichever rate is higher; provided, however, an employee whose classified position is reallocated by this Act to a higher salary group may have his salary adjusted not more than two steps higher than otherwise provided by this section. Such additional adjustment shall be for the purpose of maintaining desirable salary relationships among employees in the affected positions. However, in no case shall the employee advance to a step number in the new salary group higher than the step number held prior to the reallocation.
 - b. Reallocation to a lower salary group -- an employee whose classified position is reallocated by this Act to a lower salary group shall receive the annual rate which he would have received had the position not been reallocated, not to exceed the step 8 rate of the lower salary group.
 - c. Reclassification of positions on September 1 -- all state agencies subject to the Classification Act shall review individual job assignments on September 1 each fiscal year and on a regular basis thereafter to insure that each position is properly classified.

If it is determined that, in compliance with the Classification Act, and not contrary to the specific classification and position limitations in this Act, a position should be reclassified to a classification: (a) in a higher salary group the salary rate of the employee shall be determined in the same manner as prescribed above for reallocation to a higher salary group, or (b) in a lower salary group the salary rate of the employee shall be determined in the same manner as prescribed above for reallocation to a lower salary group. Nothing in this subsection shall have the effect of increasing or decreasing the specific classified positions authorized each agency by the Act.

Each agency shall report to the Classification Officer the approach used to comply with this provision and in the event the approach taken is determined by the Classification

SALARY PROVISIONS (Continued)

Officer to be inadequate, he shall undertake spot audits to determine if positions are properly classified.

4. **Merit Salary Increases.** It is expressly provided that agency administrators may grant merit salary increases to classified employees whose job performance and productivity is consistently above that normally expected or required. Such merit increases shall be subject to the following restrictions:
 - a. The source of funds shall be the items of appropriation in this Act for "Merit Salary Increases," or specific items of appropriation for classified salaries and wages, or appropriation items which include salaries of classified positions.
 - b. For each fiscal year of the biennium beginning September 1, 1993, the maximum monthly rate of expenditure for merit salary increases shall not exceed: (a) an amount equal to 3.4% of the total amount specifically appropriated in such fiscal year in appropriation items for salaries of classified positions divided by twelve, (b) where this Act appropriates in each fiscal year a sum or estimated amount in an appropriation item for a particular program or purpose, the maximum monthly expenditure for such merit salary increases shall not during the first year of the biennium exceed 3.4% of the average monthly payroll of the salaries of employees in classified positions for the six-month period March 1, 1993 through August 31, 1993; nor during the second year of the biennium exceed 3.4% of such average monthly payroll for the six-month period March 1, 1994 through August 31, 1994, or (c) the amount specifically appropriated for "Merit Salary Increases" divided by twelve. It is the intent of the Legislature that the maximum rates of expenditures for merit salary increases be computed separately for each year of the biennium and that such merit salary increases as may be awarded in the first fiscal year of the biennium shall not count against the maximum monthly rate of expenditure for such increases in the second fiscal year of the biennium.
 - c. The Comptroller shall prescribe such accounting and reporting procedures as are necessary to insure that expenditures for merit salary increases shall not exceed the amounts authorized herein for that purpose.
 - d. All departments and agencies shall file a report with the Governor and the Legislative Budget Board at the close of each fiscal year detailing the utilization of merit funds.
 - e. It is the intent of the Legislature that merit salary increases be applied throughout the classified salary groupings authorized an agency.
 - f. For an employee to be eligible for a merit salary increase, the following additional criteria must be met: (a) the employee must have been employed by the agency in a classified position for at least six continuous months prior to the award, (b) at least six (6) months must have elapsed since the employee's last promotion, demotion, achievement bonus award, or merit increase, and (c) agency criteria for granting merit salary increases must include specific criteria and documentation to substantiate the granting of more than a one step merit increase.
5. **Achievement Bonuses.** State Agencies and institutions of higher education are hereby authorized to establish an achievement bonus program and to award achievement bonuses, out of funds authorized below, to employees who have demonstrated a consistent and high level of performance during the period covered by the bonus. All exempt, classified, and hourly employees, whether full-time, part-time, or temporarily employed by the state are to be eligible for the achievement bonus program. Chief executives and persons appointed to full-time paid positions by the Governor may also receive an achievement bonus provided that the

SALARY PROVISIONS (Continued)

governing body or Governor, as applicable, follows the requirements established in this provision.

Before an employee can be given an achievement bonus, the employee must have been continuously employed by the agency or institution for at least six months and must not have received a salary increase or previous achievement bonus for a minimum of six months prior to the achievement bonus award. For the purposes of this provision a "salary increase" includes: i) an increase in an exempt position salary whether by legislative act, bona fide new position approved by the Governor pursuant to subsection 16 of this Section, or amendments to an exempt position plan pursuant to subsection 17.a. of this Section; ii) a merit salary increase; iii) a promotion; or iv) an increase in the amount of an exempt salary paid up to the authorized maximum. For the purposes of this provision a "salary increase" does not include: i) an across-the-board salary increase authorized in Article V of a General Appropriations Act; ii) a productivity bonus; iii) a reallocation; or, iv) a temporary increase in salary due to a temporary assignment.

An achievement bonus may be no more than 10% of the employee's annual base rate of pay, as defined by Section 811.007(7) of the Government Code. However, in no event shall the aggregate sum of achievement bonuses awarded during a twelve-month period exceed an amount equal to 10% of the receiving employee's base rate of pay. An achievement bonus award for a chief executive or a person appointed to a full time paid position by the Governor may not receive a bonus in excess of three (3) percent of the annual salary in any twelve month period. The bonus amount is not to be considered when calculating either the employee's or state's contribution for retirement or in calculating future retirement benefits.

Achievement bonus awards may be made only in compliance with Section 109, subsection 3, of this Article.

Prior to granting an achievement bonus, agencies and institutions must complete a notification form, supplied by the Governor's Office of Budget and Planning and the Legislative Budget Board, for each bonus awarded and send a copy thereof to the Governor's Office of Budget and Planning, the Legislative Budget Board, the Senate Finance Committee, the House Appropriations Committee, the assigned House committee for budget and oversight, and the Human Resources Information Services (HRIS) Division of the Comptroller's Office.

6. **Promotions.** A promotion means a change in duty assignment of an employee within an agency from a position in one classification to a position in another classification in a higher salary group requiring higher qualifications such as a greater skill or longer experience, and involving a higher level of responsibility. When an employee is promoted to a position in a higher salary group, he will receive at least a rate one increment higher than his salary rate before promotion or the minimum rate of the new salary range, whichever is higher, and may, at the discretion of the agency administrator, receive an annual rate up to and including the rate designated by the same step number which designated his former rate.
7. **Demotions.** Demotion means a change in duty assignment of an employee from a position in one classification to a position in another classification in a lower salary group. An employee who is demoted shall have his salary reduced at least to a rate one increment below the rate he received before demotion.
8. **Salary Reduction for Disciplinary Reasons.** If a classified employee's performance so warrants, the executive head may reduce his salary for disciplinary reasons to a step rate in the designated salary group no lower than the minimum step rate. The employee's pay may

SALARY PROVISIONS (Continued)

- be restored to any step rate in the range up to and including his prior rate as such employee's performance improves.
9. **Reductions in Force.** Notwithstanding agency rules, regulations, personnel handbooks or policies, agencies undergoing statutorily mandated reorganizations may institute reductions in force occurring as a direct result of the reorganizations or reductions.
 10. **Salary Limited to Maximum Step Rate.** No salary adjustment authorized by this section shall result in an employee receiving an annual salary rate in excess of the maximum rate of the salary group to which his classified position is allocated.
 11. **Temporary Assignment.** To facilitate the work of state agencies, any classified employee may, during emergencies or other special circumstances, be temporarily assigned to other duties for periods not to exceed three months and during that time may receive the appropriate rate of pay.
 12. **Reclassifications.**
 - a. As provided in the Position Classification Act of 1961, a position may be reclassified to another class of work in the Classification Plan as a result of classification audits or of program reorganizations by executive heads, or to a new classification properly established by the Classification Officer. Reclassification shall not be interpreted to mean a change in the employee's duty assignment, but only shall mean the proper definition of duties and classification of the position based upon duties actually performed by the employee; hence, a position shall be reclassified for the sole purpose of complying with the requirements of the Classification Act.
 - b. If classification audits determine that positions are classified higher than is warranted by actual duty assignment, the employees occupying such positions may be subject to salary reduction under such policies and procedures as the Legislative Audit Committee may prescribe.
 13. **Part-time Employees.** Regular full-time positions paid out of funds appropriated may also be filled by part-time employees except for line item exempt salaries not designated as part-time. In computing the salaries of these employees, the rates of pay shall be proportional to the rates authorized for full-time classified employment. It is further provided that part-time employees as described in this subsection shall be subject to all of the provisions of this section.
 14. **Hourly Employees.** It is the intent of the Legislature that hourly employees shall receive per hour rate increases proportionate to those provided in this Act for full-time salaried classified employees.
 15. **Salary Supplementation.**
 - a. No employee holding a position classified in this Act under the authority of the Position Classification Act of 1961 or a line item or exempt position for which the salary is specifically set in this Act may receive a salary supplement from any source unless a specific grant of authority is provided in the agency's appropriation pattern in this Act, or as provided by law.
 - b. None of the funds appropriated to departments, agencies and institutions of higher education covered in Articles I through IV of this Act shall be expended for payment of salary to any person whose classified or individual line item exempt salary is being

SALARY PROVISIONS (Continued)

supplemented from other than appropriated funds until a report showing the amount and sources of salary being paid from other sources has been reported to the Secretary of State and Comptroller of Public Accounts.

16. **Exemption of Positions by the Governor.** Appropriations may be used to pay the salaries of positions exempted from the Classification Plan by the Governor under authority granted in Section 2. of the Position Classification Act of 1961 with the limitation that appropriations may be used only to pay the salaries of bona fide new positions that are established to carry out duties in relation to programs, functions, etc., that were not anticipated and therefore, not authorized for funding under this Act. It is expressly provided that this authorization does not extend to the use of appropriations to adjust the salary of any line item or exempt position retitled solely for the purpose of adjusting salaries that have already been established by the Legislature in this Act and any position exempted from the Position Classification Plan by the Governor shall contain a certification that the exemption is for a bona fide new position. No payment of funds for a position exempted by the Governor shall be made by the Comptroller of Public Accounts until formal notification of the action of the Governor to exempt the position has been filed with the State Classification Officer and the Legislative Budget Board. If a position is exempted by the Governor in the first year of this biennium, the position established may be continued and the NTE rate established for the position may be adjusted the second year of the biennium at no higher than the same rate as adjustments set forth in this Act for classified positions.

17. **Designation of Exempt Positions and Classified Salary Rates.**

- a. Notwithstanding other provisions in this Act relating to the Position Classification Plan or exempt positions, an agency head may designate the title, number and compensation rate of exempt positions to be utilized in accordance with standards developed by the Governor with the consent of the Legislative Budget Board. Except as provided elsewhere in this subsection, this provision does not apply to a position listed in a "Schedule of Exempt Positions" in this Act, which shall receive compensation at a rate not to exceed the level shown. The authority granted in this provision relating to exempt positions and salaries is contingent upon the filing of written notice with the Governor's Office of Budget and Planning and the Legislative Budget Board at least 60 days prior to the effective date of any such action and is subject to the disapproval of the Governor or the Legislative Budget Board within that period. This provision may apply to a position listed in a "Schedule of Exempt Positions" in this Act, provided that the request is submitted by the agency's governing board or commission, and that both the Governor's Office of Budget and Planning and the Legislative Budget Board approve any change in compensation.

Exempt positions and compensation rates authorized during fiscal years 1992 and 1993 pursuant to Article V, Section 1, subsection 18.a., of House Bill 1, Seventy-second Legislature, First Called Session, as may be adjusted for any across-the-board salary increases authorized in that Act or in this Act, are hereby reauthorized effective September 1, 1993.

Exempt positions and compensation rates authorized during fiscal years 1992 and 1993 pursuant to Article V, Section 1, subsection 17 of House Bill 1, Seventy-second Legislature, First Called Session, as may be adjusted for any across-the-board salary increases authorized in that Act or in this Act, are hereby reauthorized on a temporary basis and shall be effective for the period of time from September 1, 1993 through November 30, 1993.

SALARY PROVISIONS (Continued)

- b. Agencies covered by Section 1 of this Article shall make employments in accordance with the provisions of the Position Classification Plan. It is specifically provided that agencies may utilize classified position titles as appropriate and agency head may determine the step within the salary pay group for personnel employed under the Position Classification Plan.
18. **Personnel and Payroll Reporting Procedures.** To facilitate pre-audit of payrolls and classification audits to assure conformity with the provisions of this Act, and to provide the Legislative Audit Committee with current information on employment and wage rate practices in the state government, the Comptroller and the State Auditor shall jointly promulgate and issue uniform procedures for personnel and payroll reporting for all state agencies.

OTHER EMPLOYMENT POLICIES AND PROVISIONS

Sec. 2. **Method of Salary Payments.**

1. All annual salaries appropriated by this Act are for full-time employment unless specifically designated as part-time or other and shall be paid in twelve (12) equal monthly installments, except as otherwise provided in Article II of this Act. Except for patrolmen and other law enforcement positions in the Department of Public Safety which shall be paid only at the annual rates stipulated in the particular language accompanying the appropriations therefor, this paragraph shall not be construed so as to prevent the head of any other agency of the state from paying less than the maximum salary rates specified in this Act for line item positions, or the employment of part-time employees to fill regular positions provided for in this Act, so long as the salary rates for such part-time employees are proportional to the regular rates for full-time employment. The equivalent monthly rate of pay for annual employees maintaining a 40-hour work week and covered under Article 5165a, Vernon's Civil Statutes, as amended, shall be determined by dividing the annual salary by twelve (12). The hourly rate for a given month shall be determined by dividing the monthly rate by the number of working hours in that month. This basis applies to partial pay and other special situations. When a full-time or regular part-time employee is on leave without pay, compensation for that particular pay period shall be reduced at the equivalent hourly rate of pay times the number of work hours lost by leave without pay.

Facilities of the Texas Department of Mental Health and Mental Retardation in Article II and the agencies of higher education, and the schools for the blind and deaf in Article III of this Act which make contracts for less than a twelve-month period may pay salaries in equal monthly payments for the period contracted for.

2. Agencies having a "**Schedule of Exempt Positions**" following their appropriation may expend funds to employ those positions designated as exempt at rates not to exceed the rates shown. Each title authorizes one position unless the title is followed by a number indicating the number of positions authorized or by (UL) which authorizes an unlimited number of positions for such position title.

The number of authorized positions in a title shown in the "Schedule of Exempt Positions" may be exceeded only under the following conditions: (1) for the purpose of hiring a replacement in a key management position as certified by the agency head, (2) the current incumbent of the position must have formally resigned or otherwise announced irrevocable plans to vacate the position, (3) the position number limitation may be exceeded for no more

OTHER EMPLOYMENT POLICIES AND PROVISIONS (Continued)

than one full calendar month per year per position, (4) reporting such exceptions will be made in such manner as prescribed for payroll reporting procedures.

3. No deduction shall be made from the salary or wages of any state employee who is called for jury service; nor shall such employee be required to account to the state for any fee or compensation received for jury service.
4. None of the moneys appropriated under this Act shall be used for the payment of salaries to any employee who accepts witness fees in contravention of the following provisions:

Any state official or employee called to appear in his official capacity in any judicial action or legislative investigation shall neither accept nor receive any witness fees for such a governmental appearance;

But if the appearance as a witness is not in an official capacity but is to testify from personal knowledge concerning matters related to the inquiry, then such employee or official shall be entitled to any customary witness fees;

And any state employee or official appearing as an expert witness shall be entitled to accept compensation for his appearance only when such appearance shall be made on his own time;

But this prohibition against accepting compensation shall not extend to any mileage or per diem allowance tendered to the state employee or official for expenses incurred while serving as a witness, unless the state official or employee has also made a claim for such expenses against the state, and in no instance shall there be double reimbursement for expenses.

5. Overtime.

- a. **Employees Subject to FLSA.** An employee who is subject to the overtime provisions of the Fair Labor Standards Act of 1938, 29 U.S.C. Secs. 201 et seq., (FLSA) is entitled to compensation for overtime as provided by that Act and this subdivision.

An employee who is required to work hours in excess of 40 hours in a workweek is entitled to compensation for the excess hours either by:

- (1) the agency allowing (or requiring) the employee to take compensatory time off at the rate of 1-1/2 hours off for each hour of overtime; or
- (2) at the discretion of the employing agency, in cases in which granting compensatory time off is impractical, the employee receiving pay for the overtime at the rate equal to 1-1/2 times the employee's regular rate of pay.

Any paid leave or holidays taken are not counted as hours worked in determining overtime hours under the preceding paragraph.

Each employee may accumulate overtime credit of not more than 240 hours, except that an employee engaged in a public safety activity, an emergency response activity, or a seasonal activity may accumulate not more than 480 hours. Employees must be paid for overtime worked in excess of the limits on accumulation, at the rate equal to 1-1/2 times the employee's regular rate of pay.

In situations in which the employee has not worked more than 40 hours in a workweek but the total of hours worked and hours of paid leave or paid holidays exceeds 40 hours, the employee shall be allowed equivalent compensatory time off for the excess hours. In

OTHER EMPLOYMENT POLICIES AND PROVISIONS (Continued)

situations in which the employee has worked more than 40 hours in a workweek and the total of hours worked and hours of paid leave or paid holidays exceeds 40 hours after subtracting FLSA overtime hours worked, the employee shall be allowed equivalent compensatory time off for such excess hours. The compensatory time must be taken during the 12-month period following the end of that workweek. Compensatory time under this paragraph may not be carried forward past the end of the 12-month period and an employee may not be paid for the unused time. As an exception to the provisions in this paragraph, however, employees of institutions of higher education or employees engaged in a public safety activity, including but not restricted to highway construction and maintenance or an emergency response activity, may be paid for compensatory time hours on a straight-time basis when the taking of compensatory time off would be disruptive to normal teaching, research, and other critical functions.

Exceptions to the workweek overtime calculation for hospital, fire protection, and law enforcement activities (including security personnel in the correctional institutions) shall be made in accordance with the FLSA.

- b. **Employees Not Subject to FLSA.** An employee who is not subject to the overtime provisions of the FLSA may be allowed compensatory time off for hours in excess of 40 hours in a workweek in which the combination of hours worked, paid leave, and holidays exceeds a total of 40 hours.

An employee who is exempt as an executive, professional, or administrative employee under 29 U.S.C. Sec. 213 (FLSA), may be allowed compensatory time off during the 12-month period following the end of the workweek in which the overtime was accrued, at a rate not to exceed equivalent time.

In accordance with the provisions set forth in 29 CFR, Part 541, Section 541.118 and subject to that section's exceptions provided below, an employee who is exempt as an executive, professional, or administrative employee under 29 U.S.C. Sec. 213(a)(1) (FLSA) shall receive full salary for any week in which work is performed without regard to the days and number of hours worked. This is also subject to the general rule that an employee need not be paid for any workweek in which the employee performs no work.

- (1) Deductions may be made when the employee absences himself/herself from work for a full day or more for personal reasons, other than sickness or accident. However deductions may not be made for absences caused by jury duty, attendance as a witness at a judicial action, or temporary military leave.
- (2) Deductions may also be made for absences of a day or more occasioned by sickness or disability (including workers' compensation accidents) if the deduction is made after exhaustion of paid sick leave or workers' compensation benefits.
- (3) Deductions may also be made for penalties imposed for infractions of significant safety rules relating to prevention of serious danger to the workplace or other employees.

Further, in accordance with the special provisions applicable to executive, professional, or administrative employees of public agencies set forth in CFR, Part 541, Section 541.5d, an employee's pay may be reduced for absences for personal reasons or because of illness or injury of less than one work day when accrued leave is not used by the employee because -

- (1) permission for its use has not been sought or has been sought and denied;

OTHER EMPLOYMENT POLICIES AND PROVISIONS (Continued)

- (2) accrued leave has been exhausted; or
- (3) the employee chooses to use leave without pay.

In addition, in accordance with Section 541.5d, deductions from the pay of an executive, professional, or administrative employee for absences due to a budget-required furlough shall not disqualify the employee from being paid "on a salary basis" except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

If deductions have been inadvertently made in contradiction to Department of Labor regulations, reimbursement will be made retroactively to the affected employees.

An employee who is not subject to the FLSA because of 29 U.S.C. Sec. 203(e)(2)(C), as a staff member, appointee, or immediate adviser of an elective officeholder, may be allowed compensatory time off under the terms and conditions determined by the officeholder.

Employees covered by this subdivision may not be paid for any unused compensatory time.

- c. No employee, whether or not subject to FLSA, shall accrue state compensatory time during any week unless the combination of paid leave and hours worked exceeds 40 hours.
- d. Article VI Employees. Subdivisions (a), (b) and (c) of this subsection do not apply to an employee compensated from funds appropriated under Article VI of this Act. Consistent with the requirements of the FLSA, overtime pay and compensatory time off for employees of the House or Senate shall be determined by the presiding officer of the respective houses, and for all other employees shall be determined by the administrator of the agency involved or the employing officeholder.

Sec. 3. Salary Payment, Withholdings, Deductions, and Matching Contributions. The disbursement of moneys appropriated in this Act for salaries and wages shall be subject to the provisions of Public Law No. 68, Seventy-eighth Congress, known as the Current Tax Payment Act of 1943, and any amendments thereto. The officers and employees of agencies for which appropriations are made in this Act also are authorized to make retirement deductions in accordance with the Teachers Retirement or Employees Retirement or Judiciary Retirement Acts on payroll forms prescribed by the State Comptroller, and the Comptroller is directed to issue warrants accordingly. The Comptroller shall also prescribe rules and procedures for agencies to follow in making adjustments to payrolls for periods following the period in which an inaccurate payment, deduction or other error occurred.

In each instance in which an operating fund or account is created and named by statute, the responsible officials of the state are authorized to transfer into such operating fund or account sufficient moneys from treasury funds, local, institutional and federal funds to pay proportionally the costs of matching state employees' retirement contributions and the state's share of Old Age and Survivors Insurance.

Sec. 4. Per Diem of Board or Commission Members.

- 1. As authorized by Section 2 of Article 6813f, Texas Revised Civil Statutes Annotated, the per diem of state board and commission members shall consist of (1) compensatory per diem at

OTHER EMPLOYMENT POLICIES AND PROVISIONS (Continued)

\$30 per day; (2) actual expenses for meals and lodging not to exceed \$75 per day; and (3) transportation.

2. If a law enacted after Article 6813f authorizes per diem for members of a particular state board or commission, but does not specify the amount of the per diem, then the amount of the per diem shall be as listed in the preceding paragraph.
3. Agencies having a "Schedule of Exempt Positions and Per Diem of Board (or Commission) Members" following their appropriation may expend appropriations for board or commission member compensatory per diem in an amount not to exceed amounts shown in such schedule for each respective fiscal year.
4. No full time employee paid from funds appropriated by this Act shall be paid both a salary and compensatory per diem for concurrent service as a state employee and as a board or commission member.

Sec. 5. Political Aid and Legislative Influence Prohibited. None of the moneys appropriated by Articles I, II, III, and IV of this Act, regardless of their source or character, shall be used for influencing the outcome of any election, or the passage or defeat of any legislative measure. This prohibition shall not be construed to prevent any official or employee of the state from furnishing to any Member of the Legislature or committee upon request, or to any other state official or employee or to any citizen information in the hands of the employee or official not considered under law to be confidential information. Any action taken against an employee or official for supplying such information shall subject the person initiating the action to immediate dismissal from state employment.

No funds under the control of any state agency or institution, including but not limited to state appropriated funds, may be used directly or indirectly to hire employees or in any other way fund or support candidates for the legislative, executive, or judicial branches of government of the State of Texas or the government of the United States.

None of the funds appropriated in this Act shall be expended in payment of the salary for full-time employment of any state employee who is also the paid lobbyist of any individual, firm, association or corporation. None of the funds appropriated in this Act shall be expended in payment of the partial salary of a part-time employee who is required to register as a lobbyist by virtue of the employee's activities for compensation by or on behalf of industry, a profession or association related to operation of the agency or institution for which the person is employed. A part-time employee may serve as a lobbyist on behalf of industry, a profession or association so long as such entity is not related to the agency with which he or she is employed.

No employee of any state agency shall use any state-owned automobile except on official business of the state, and such employees are expressly prohibited from using such automobile in connection with any political campaign or any personal or recreational activity.

None of the moneys appropriated by this Act shall be paid to any official or employee who violates any of the provisions of this section.

The head or heads of each agency of the state shall furnish each employee of such agency with a copy of the five (5) paragraphs immediately preceding this one, and shall take a receipt therefor from each employee. The preceding sentence shall not be construed to mean that new receipts are to be obtained each year from continuing employees who have previously receipted for copies of identical provisions prohibiting political aid and legislative influence. The receipts shall be kept accessible for public inspection.

OTHER EMPLOYMENT POLICIES AND PROVISIONS (Continued)

It is provided, however, that nothing in this section shall be construed as prohibiting the payment of reasonable dues to an organization that is designed to represent student interests in the state legislature or federal congress from that portion of mandatory student service fee collections that is allocated to the student government organization at an institution of higher education. Nothing herein shall be construed to permit such mandatory student service fees to be used to influence the outcome of any election.

Sec. 6. Publicity of Individuals Restricted. None of the moneys appropriated under this Act shall be used by any agency of the state government for the purpose of publicizing or directing attention to any individual official or employee of any agency of the state government.

It is also provided that none of the moneys appropriated under this Act shall be used by any agency of the state government for maintaining any publicity office or department, or for the employment of any person who has the title or the duties of a public relations agent, or press agent, or for paying any public relations firm or agent.

The policy and restrictions set out in this section shall not be interpreted to prevent the head of any agency of the state, when he deems it necessary or desirable in the public interest, to issue through any of such agency's officials or employees any statement or information respecting the work, legal responsibilities, or activities of such agency. Such statement shall be issued, or such information imparted, in the name of the agency of the state and shall have attached thereto the name of the official or employee authorized to issue the same.

It is also provided that any agency of higher education may continue to maintain and operate a news and information service for the benefit of the public which has been specifically authorized and approved by the governing board of such agency of higher education.

Sec. 7. Employee Working Hours and Holidays. It is further provided that moneys appropriated for salaries and wages in this Act shall be expended only in accordance with the following conditions and limitations, and pursuant to Article 5165a, Vernon's Civil Statutes, as amended.

1. State offices shall remain open during the noon hours each working day with at least one person on duty to accept calls, receive visitors, or transact business.
2. Agencies may stagger the work day of their personnel. All agencies shall be open between the hours of 8:00 A.M. and 5:00 P.M. and shall maintain the eight-hour day and 40-hour week as provided in Article 5165a, Vernon's Civil Statutes, as amended.
3. Except as provided elsewhere in this Article, holidays for state employees including hourly wage workers for each year covered by this Act shall be those specified in Article 4591.2, Vernon's Civil Statutes, as amended. Except as provided elsewhere in this Article, holidays for employees of institutions and agencies of higher education are as provided in Article 4591.3, Vernon's Civil Statutes, as amended.

For institutions and agencies of higher education, a regular employee is defined as one who is employed to work at least 20 hours per week for a period of at least four and one-half months, excluding students employed in positions which require student status as a condition for employment. Only regular employees of institutions of higher education shall be eligible for paid holidays.

Each state agency and institution and agencies of higher education will, during the biennium, have on hand enough personnel to carry on the activities of each institution or agency on a state holiday as defined in the statute so that the public business can be carried on during that period. However, this does not apply to a state holiday that falls on a Saturday or Sunday,

OTHER EMPLOYMENT POLICIES AND PROVISIONS (Continued)

the Friday immediately following the fourth Thursday in November, the 24th day of December, or the 26th day of December.

Those employees who are working during a national holiday or a state holiday period will be allowed compensatory time off during the twelve-month period following the date of the holiday worked. The supervisor in charge may require the employee to give reasonable notice in advance of taking compensatory time off but may not require that the employee specify the reason for which the compensatory time is to be taken. As an exception to the provisions in this paragraph, however, employees of institutions of higher education may be paid for compensatory time hours on a straight-time basis when the taking of compensatory time off would be disruptive to normal teaching, research, and other critical functions.

Agencies who have work schedules other than provided in Article 5165a, Section 2, will insure that employees working these schedules observe the equivalent number of holidays each year as employees working normal office hours.

A state employee is entitled to observe Rosh Hashanah, Yom Kippur, and Good Friday in lieu of any holiday or holidays on which the employee's agency or institution is required by this provision to be open and staffed to conduct the public business.

It is specifically provided, however, that the benefit provisions of this section apply to the employees of the House of Representatives and Senate only at the discretion of the presiding officer or the administration committee of each house.

4. Other provisions of this Act notwithstanding, state agencies shall not observe as a holiday days on which an election is held throughout the state. However, employees shall be allowed sufficient time off without deduction from pay or leave time accrued to vote.
5. Each state agency and institution and agencies of higher education shall adjust the work schedule of any employee who is a member of the National Guard or any Reserve Component of the Armed Forces so that two of the employee's non-work days per month coincide with two days of military duty to be performed by the employee, it being the intent of the Legislature to facilitate participation in military duties by state employees.

Sec. 8. Employees Vacations and Leaves.

1. Other than faculty with appointments of less than twelve months at institutions of higher education and other than instructional employees with contracts for periods of less than twelve months at the Texas School for the Blind and the Texas School for the Deaf, employees of the state shall, without deduction in salary be entitled to a vacation in each fiscal year. Part-time employees will accrue vacation leave on a proportionate basis and the maximum carryover will also be proportionate. Such entitlement shall be earned in accordance with the following schedule:

| Employees With Total State Employment Of: | Hours Accrued Per Month for Full-time Employment | Maximum Hours to Carry Forward From One Fiscal Year to Next Fiscal Year for a Full-time Employee |
|--|---|---|
| 0 but less than 2 years | 7 | 168 |
| 2 but less than 5 years | 8 | 232 |
| 5 but less than 10 years | 9 | 256 |

OTHER EMPLOYMENT POLICIES AND PROVISIONS (Continued)

| | | |
|---------------------------|----|-----|
| 10 but less than 15 years | 10 | 280 |
| 15 but less than 20 years | 12 | 328 |
| 20 and over years | 14 | 376 |

An employee will earn vacation entitlement beginning on the first day of employment with the state and terminating on the last day of duty. Vacation entitlement is accrued at the applicable rate cited above. Credit for one month's accrual will be given for each month or fraction of a month of employment with the state and will be posted to each employee's leave record on the first day of employment with the state and on the first of each succeeding month of employment thereafter. Vacation with pay may not be granted until the employee has had continuous employment with the state for six (6) months, although credit will be accrued during that period.

Credit for the higher rate of accrual as shown on the chart above shall be given on the first calendar day of the month if the employee's anniversary date falls on the first calendar day of the month; otherwise, the increase will occur on the first calendar day of the following month. If an employee begins working in a position that accrues vacation leave on the first workday of the month, the employee is deemed to have begun working on the first calendar day of the month for the purpose of this subsection.

The net balance of unused accumulated leave not to exceed the maximum cited above shall be carried forward for any employee from fiscal year 1993 to fiscal year 1994 and from fiscal year 1994 to fiscal year 1995.

All hours of unused accumulated vacation leave which are lapsed at the end of a fiscal year by operation of this subsection may be credited to the employee's sick leave balance as of the first day of the next fiscal year.

In computing vacation time taken, time during which any employee is excused from work because of holidays shall not be charged against the employee's vacation.

A state employee who resigns, is dismissed, or separated from state employment shall be entitled to be paid for all vacation time duly accrued at the time of separation from state employment, provided the employee has had continuous employment with the state for six (6) months.

2. Employees of the state shall, without deduction in salary, be entitled to sick leave subject to the following conditions:

An employee will earn sick leave entitlement beginning on the first day of employment with the state and terminating on the last day of duty. Credit for one month's accrual will be given for each month or fraction of a month of employment with the State and will be posted to each employee's leave record on the first day of employment with the State and on the first day of each succeeding month of employment thereafter.

Sick leave entitlement shall be earned at the rate of eight (8) hours for each month or fraction of a month employment, and shall accumulate with the unused amount of such leave carried forward each month. Sick leave accrual shall terminate on the last day of duty.

Sick leave with pay may be taken when sickness, injury, or pregnancy and confinement prevent the employee's performance of duty or when the employee is needed to care and assist a member of his immediate family who is actually ill. For purposes relating to regular sick leave, immediate family is defined as those individuals who reside in the same household and are related by kinship, adoption or marriage, as well as foster children

OTHER EMPLOYMENT POLICIES AND PROVISIONS (Continued)

certified by the Texas Department of Protective and Regulatory Services. Minor children of the employee, whether or not living in the same household, will be considered immediate family for purposes of regular sick leave. An employee's use of sick leave for family members not residing in that employee's household is strictly limited to the time necessary to provide care and assistance to a spouse, child or parent of the employee who needs such care and assistance as a direct result of a documented medical condition. An employee who must be absent from duty because of illness shall notify his supervisor or cause him to be notified of that fact at the earliest practicable time.

To be eligible for accumulated sick leave with pay during a continuous period of more than three (3) working days, an employee absent due to illness shall send to the administrative head of his employing agency a doctor's certificate showing the cause or nature of the illness, or some other written statement of the facts concerning the illness which is acceptable to such administrative head.

Upon return to duty after sick leave the employee concerned shall, without delay, complete the prescribed application for sick leave and submit the same through proper channels to the appropriate approving authority for his consideration.

Exceptions to the amount of sick leave an employee may take may be authorized by the administrative head or heads of any agency of the state provided such exceptions are authorized on an individual basis after a review of the merits of such particular case. A statement of any such authorized exceptions or the reasons for them shall be attached to the state agency's duplicate payroll voucher for the payroll period affected by such authorized exceptions. Agencies are required to have a written statement filed with the State Auditor covering the policies and procedures to be used for the extension of leave in this manner and shall make this statement available to all employees. Faculty members at institutions of higher education must submit prescribed leave forms for all sick leave even though no classes were missed if the absence occurred during the normal workday for regular employees.

A terminating employee may, with the agreement of the employing agency, be allowed to remain on the payroll to utilize vacation leave in lieu of being paid in a lump sum, providing that such employee will not be eligible to use paid sick leave prior to final separation from employment.

3. The administrative head of an agency shall grant an emergency leave to an employee because of a death in the employee's family. The death of the employee's spouse, or the employee's or spouse's parents, brothers, sisters, grandparents, grandchildren and children shall constitute adequate need for emergency leave. The administrative head of the agency may make a determination on other reasons for emergency leaves and shall grant an emergency leave, when in his determination, the employee shows good cause.

For institutions and agencies of higher education, a regular employee is defined as one who is employed to work at least 20 hours per week for a period of at least four and one-half months, excluding students employed in positions which require student status as a condition for employment. Only regular employees of institutions and agencies of higher education shall be eligible for paid vacation and leave as provided herein.

4. A leave of absence with full pay shall be provided any state employee who is called to active duty with the National Guard by the Governor of Texas because of an emergency in accordance with Art. 6252-4b, V.A.C.S.

Employees shall be entitled to leave of absence from their respective duties without loss of time or efficiency rating or vacation time or salary on all days during which they shall be

OTHER EMPLOYMENT POLICIES AND PROVISIONS (Continued)

engaged in authorized training or duty ordered or authorized by proper authority, for not to exceed fifteen (15) days in any one federal fiscal year as provided in V.T.C.A., Texas Government Code, Section 431.005.

An employee called to active duty during a national emergency by a reserve branch of the United States Armed Forces shall have a leave of absence. The employee shall not lose the ability to accrue state service credit while on active duty but shall not accrue vacation or sick leave. However, the employee shall retain any accrued vacation or sick leave and shall be credited with such balances upon return.

State employees who are volunteer firemen shall also be granted a leave of absence with full pay to attend training schools conducted by state agencies provided such leave does not exceed five (5) working days in any one fiscal year. The leave of absence, authorized by this subsection, shall in no way be charged against the employee's vacation or sick leave privileges provided by this Act.

A state employee, who is a foster parent to a child under the conservatorship of the Department of Protective and Regulatory Services, is entitled to a leave of absence with full pay for the purpose of attending staffing meetings held by the Department of Protective and Regulatory Services regarding the child under the foster care of the employee, or to attend the Admission, Review and Dismissal (ARD) meeting held by a school district regarding the child under the foster care of the employee.

Any State employee, who is a certified disaster service volunteer of the American Red Cross or who is in training to become such a volunteer, with the authorization of his/her supervisor, may be granted a leave not to exceed five days each year to participate in specialized disaster relief services for the American Red Cross, upon the request of the American Red Cross and with approval of Governor's office, without loss of pay, vacation time, sick leave or earned overtime, and/or compensatory time. Notwithstanding this provision, the pool of state employees certified disaster volunteers shall not exceed 500 participants at any one time. A list of such employees will be coordinated with the Division of Emergency Management and Governor's office. Within sixty days of any request made by the American Red Cross, a report shall be prepared by the American Red Cross for the Legislative Budget Board setting forth the reasons and needs for any request made.

5. A state employee who transfers directly from one State agency to another, shall be given credit by the receiving agency for the unused balance of this accumulated vacation and sick leave, provided that his employment with the state is uninterrupted.
6. Funds appropriated in this Act may be used to pay the estate of an employee when the employee dies while employed by the State of Texas for: (1) all of the employee's accumulated vacation leave and (2) one-half of the employee's accumulated sick leave, or for 336 hours of sick leave, whichever is less, provided that requirement and limitations in Article 6252-8b, V.A.C.S. are satisfied.
7. In addition to maintaining an official personnel file on each employee containing an application for employment and other records normally placed in a personnel file, the administrative head or heads of each agency of the state shall require time and attendance records, a record of the vacation and sick leave accrual and absences of each employee, and the reasons therefor whether from sickness, vacation, other paid leave, or leave of absence without pay. Such records shall be available for public inspection in keeping with the provisions of the Open Record Act.

OTHER EMPLOYMENT POLICIES AND PROVISIONS
(Continued)

8. The State Auditor shall provide a uniform interpretation of the provisions herein contained on employee vacations and leaves, and shall report to the Governor and the Legislature any exceptions practiced by the various entities of the state government.
9. It is specifically provided, however, that the benefit provisions of this section apply to employees of the House of Representatives and Senate only at the discretion of the presiding officer of each House.
10. An employee separated from employment with the state under a formal reduction-in-force shall have his sick leave balance restored if reemployed by the state within twelve months of termination. An employee separated for other reasons shall also have his sick leave balance restored if reemployed by the state within twelve months of termination, provided there has been a break in service of at least one month since termination.
11. Agencies may grant employees leave without pay or leave of absence without pay subject to the following provisions:
 - a. Except for disciplinary suspensions, active military duty, parental leave as provided in Section 8(13) below, Federal Family and Medical Leave Act leave as provided in Section 8(15) below, and workers compensation situations all accumulated paid leave entitlements must be exhausted before granting such leaves, with the additional provision that sick leave must be exhausted only in those cases where the employee is eligible to take sick leave, as provided in Section 8(2) above. Such leaves will be limited in duration to twelve (12) months.
 - b. Subject to fiscal constraints, approval of such leaves constitutes a guarantee of employment for a specified period of time.
 - c. The administrative head of an agency may grant exceptions to these limitations for such reasons as interagency agreements or educational purposes.
 - d. Except in the case of an employee returning to state employment from military leave without pay, any full calendar month (i.e., from the first day of a month through the last day of a month, inclusive) in which an employee is on leave without pay, shall not be counted in the calculation of total state service for purposes of longevity pay or vacation leave entitlements. No employee shall accrue vacation or sick leave for such month. Further, any such full calendar month of leave without pay shall not constitute a break in continuity of employment but shall not be included in the calculation of the six continuous months of employment set forth in the Act under both the merit salary provisions, Section 1(4)(f)(a) and under Employees Vacations And Leaves, Section 8(1) last paragraph.
12. A state employee who is blind is entitled to a leave of absence with full pay for the purpose of attending a training program to acquaint the employee with a seeing-eye dog to be used by the employee. The leave of absence provided by this subsection may not exceed 10 working days in a fiscal year. The leave of absence provided by this subsection is in addition to other leave to which an employee is entitled, and an employee continues to accrue vacation and sick leave while on leave as provided by this subsection. For purposes of this subsection, "blind" has the meaning assigned by Section 91.002(2), Human Resources Code.
13. Employees are entitled to a parental leave of absence, not to exceed twelve weeks, for the birth of a natural child or the adoption of a child under three years of age. This period begins with the date of birth or the first day the adoptive child is formally placed in the home. Employees may elect to use any combination of available vacation leave,

OTHER EMPLOYMENT POLICIES AND PROVISIONS (Continued)

compensatory time off, or leave without pay for this period. It is expressly provided that the use of sick leave is strictly limited to those situations clearly falling within the definition of sick leave contained in subsection 2 of this section.

14. In addition to employee leave authorized elsewhere in this Article, administrative leave with pay may be granted by the head of an agency as a reward for outstanding performance as documented by employee performance appraisals. Administrative leave may be granted pursuant to this subsection only to those employees in classified positions who have not received an achievement bonus pursuant to Section 1, Subsection 5, of this Article within the three months previous to the grant of leave. In no event shall the aggregate amount of administrative leave granted pursuant to this subsection exceed 32 hours in any fiscal year.
15. State employees who have been employed for 12 continuous months by the state, and who have worked at least 1,250 hours during that period, are hereby entitled to leave pursuant to the Federal Family and Medical Leave Act provided that the employee utilizes all available applicable paid leave while taking leave pursuant to this provision.

Sec. 9. Dual Employment with the State. Employees who are legally employed in two positions within Texas State government are subject to the following provisions and are to be informed of these provisions prior to being placed in such dual employment status: (1) completely separate leave records will be maintained for each employment; (2) time worked in one position may not be used as additional tenure credit for purposes of longevity or annual leave accrual for other positions; (3) upon termination of one employment, the leave balances accrued under that employment may not be transferred to the remaining employment; (4) the state contribution towards the employee's portion of social security tax liability will be subject to the overall limit specified elsewhere in this Act. The Comptroller shall prescribe such uniform accounting and reporting procedures as necessary to ensure that expenditures for this purpose do not exceed this limit; (5) the total state contribution towards the employee's group insurance will be limited to no more than the amount specified elsewhere in this Act for full-time active employees; (6) the employee will be entitled to receive longevity payment for no more than one employment; (7) overtime compensation will accrue to each employment totally independent of the other except that when an employee works in a dual employment capacity where the employee is subject to the overtime provisions of the Fair Labor Standards Act of 1938, 29 U.S.C. Secs. 201 et seq., (FLSA) in either employment, the employing agency or agencies must consider all combined time worked in excess of 40 hours per week as overtime and compensate the employee in accordance with the FLSA provisions applicable to joint employment relationships. In cases where the dual employment is with two separate agencies, the two agencies shall coordinate in order to determine which agency shall have the responsibility to assure that the employee is properly compensated in accordance with such provisions.

Where dual employment cases involve two legislative agencies and both employments are less than full-time, provision numbers (1) above, except for accrual of leave, and (3) above, will not apply and the legislative employee may utilize paid leave from leave balances in both employments. Where combined employments total at least forty hours per week, the employee will be treated as a full-time employee for longevity purposes. Upon termination of one legislative employment, unused leave balances accrued under that employment shall be transferred to the remaining legislative employment.

All state employees are to be informed of their obligation and responsibility to inform both initial and second employers of their intent to accept an additional employment with the state.

Institutions of higher education with employees which have multiple component assignments may enter into necessary agreements designating the principal employer to maintain personnel and leave records in compliance with provisions of this section.

OTHER EMPLOYMENT POLICIES AND PROVISIONS (Continued)

Sec. 10. Use of Alcoholic Beverages. None of the moneys appropriated under this Act shall be used for the payment of salaries to any employee who uses alcoholic beverages while on active duty. None of the funds appropriated under this Act for travel expenses may be expended for alcoholic beverages. No state funds shall be used for the purchase of alcoholic beverages, except for legitimate law enforcement purposes.

Sec. 11. Limitations on Use of Appropriated Funds. Funds appropriated in Articles I, II, and IV of this Act, or for the Central Education Agency in Article III of this Act, shall be expended only for items set out in the Comptroller's Manual of Accounts, Expenditure Classification insofar that agencies expending said appropriated funds shall have existing statutory authority for such expenditures and that such expenditures are not limited or prohibited elsewhere in this Act.

It is also provided that any agency of the state specified in this Act is authorized to pay the premiums for bonding employees. Such bonds shall be of either individual position or blanket position type, as provided by House Bill No. 18, Fifty-sixth Legislature, Regular Session.

As compensation in addition to that otherwise provided by this Act, departments and agencies covered by this Act in Articles I through VI, are authorized to purchase and present to their respective employees or officers at periodic intervals under such rules and regulations as have been or may be adopted by the respective agencies named hereinabove, service awards, safety awards and other similar awards for professional achievement or other outstanding service. Such awards will be limited to lapel pins, tie clasps, plaques, loving cups, engraved certificates or other awards of a similar nature and shall be purchased through the General Services Commission, the cost of which shall not be in excess of fifty dollars (\$50) per employee.

For awards to volunteers, a state agency may expend funds appropriated by this Act to purchase engraved certificates, plaques, pins, and other awards of a similar nature that do not exceed \$50 in value per volunteer. The awards may be purchased only to recognize volunteers' special achievement and outstanding service and only if the agency has established a volunteer program that complies with Article 6252-11e, Vernon's Texas Civil Statutes, or with other applicable general law.

TRAVEL REGULATIONS

Sec. 12. Definitions.

The following words and terms, when used in Sections 12-18 of this Article, shall have the following meanings:

1. Commercial lodging establishment - a motel, hotel, inn, apartment, or similar entity that furnishes lodging to the general public for pay.
2. Commercial transportation company - an entity that offers transportation of people or goods to the general public for pay.
3. Designated headquarters - the area within the city limits of the incorporated area in which a state employee's place of employment is located. If an employee's place of employment is located within an unincorporated area, then the area within a five mile radius of the employee's place of employment is his designated headquarters. If a city, town, or unincorporated area is completely surrounded by the city or town in which an employee's

TRAVEL REGULATIONS (Continued)

place of employment is located, then the employee's designated headquarters includes the surrounded area.

4. Duty point - the location, other than an employee's place of employment, to which a state employee travels in order to conduct official state business.
5. Head of agency - this term includes elected state officials, excluding members of the Legislature; appointed state officials, including officials whose appointment is still subject to confirmation by the Senate; first assistants, chief deputies, and chief clerks who are specifically authorized by law to act for their superiors; directors of legislative interim committees or boards; heads of state institutions of higher education; heads of state hospitals and special schools; and, for each state agency that is governed by a part-time board or commission, the person who has the day-to-day responsibility for managing the agency's operations.
6. Incidental expenses - those necessary and reasonable expenses incurred by a state employee while traveling on official state business. The term includes applicable taxes except for taxes on meals. The term does not include expenses for meals, lodging, or transportation; expenses of a personal nature; expenses that would be incurred by the employee regardless of whether he were traveling on official state business; and, tips and gratuities.
7. Key officials - this term encompasses heads of agencies and persons holding exempt positions as indicated in this Act or by action of the Governor in accordance with the Position Classification Act of 1961.
8. Lease - a long-term contract giving the lessee the exclusive possession and use of property or equipment although the lessor retains ownership throughout the duration of the contract. A contract is "long-term" only to the extent that its duration is on at least a month-to-month basis.
9. Place of employment - the office or location at which a state employee routinely conducts official state business.
10. Rented or public conveyance - a motor vehicle, train, or aircraft that a state employee either rents or pays a fare to use on a short-term basis while traveling on official state business.
11. State agency - a unit of state government that uses funds appropriated in this Act to pay for the transportation, meals, lodging, and other travel expenses of its state employees.
12. State employee - a person employed by a state agency. This term includes key officials except to the extent that specific provisions in this Article indicate otherwise.

Sec. 13. General Travel Provisions.

1. The amounts appropriated in this Act to each state agency for the payment of transportation, meals, lodging, and incidental expenses shall be the maximum amounts to be expended by those agencies. None of the moneys appropriated by this Act may be expended for those expenses unless the travel and the resulting requests for payment or reimbursement comply with the conditions and limitations in this Article.
2. Heads of agencies shall conserve the funds appropriated in this Act by maximizing economy and efficiency when planning the travel of state employees under their authority. In this connection, heads of agencies are responsible for ensuring that the expenses of transportation,

TRAVEL REGULATIONS (Continued)

meals, lodging, and incidental items are the lowest possible considering all relevant circumstances.

3. A head of agency may specify a reimbursement or payment rate that is less than the maximum rate specified in this article for transportation, meal, lodging, or incidental expenses. However, a lower rate applies only to travel occurring after a head of agency has notified his state employees in writing about the lower rate. A state agency is solely responsible for enforcing its lower reimbursement or payment rates.
4. Necessary and reasonable expenses for transportation, meals, lodging, and incidental expenses may be paid or reimbursed from the funds appropriated in this Act only when the purposes of the travel clearly involve official state business, are consistent with the legal responsibilities of the state agency represented, and, for the travel outside the State of Texas, the travel is approved in advance in accordance with the policy of the employing state agency.

None of the funds appropriated in this Act shall be used to pay or reimburse expenses for transportation, meals, lodging, and incidental expenses unless the travel voucher submitted to the Comptroller identifies persons contacted, places visited, or otherwise describes the nature of the official state business performed.

5. A state employee may claim extra travel time for the purpose of calculating reimbursement for meals, lodging, rental cars, parking, and other reimbursable expenses in order to take advantage of lower airfares if: (a) the cost of the additional expenses plus the lower airfare is less than or equal to the average coach airfare between the employee's designated headquarters and duty point, (b) the rental car was rented during the period of time when the employee conducted official state business, and (c) it is in the employing state agency's interest to allow the employee to be absent from headquarters for an additional period of time.
6. Requests for advance written approval for travel outside of the United States and its possessions shall be submitted to the Governor as provided in TEX. REV. CIV. STAT. ANN. Art. 6823a (Vernon).
7. State employees from one state agency who provide services to another state agency may be reimbursed for their transportation, meals, lodging, and incidental expenses from the funds of the agency being served.
8. A traveling state employee may be reimbursed for his incidental expenses in addition to his expenses for meals, lodging, and transportation. The Comptroller shall promulgate specific rules for the effective and efficient administration of this sub-section.
9. When this Article authorizes state agencies to directly pay commercial lodging establishments or commercial transportation companies, agencies may instead directly pay credit card issuers or travel agencies for the lodging or transportation. The same documentation that would be required for a direct payment to a commercial lodging establishment or commercial transportation company is required for a direct payment to a credit card issuer or travel agency.
10. When a state agency requires a state employee on personal leave to return to his designated headquarters from another location, the agency may reimburse the employee for the transportation, meal, lodging, and incidental expenses he incurs while traveling to headquarters. In addition, the agency may reimburse the employee for the transportation, meal, lodging, and incidental expenses he incurs while traveling back to the location at which

TRAVEL REGULATIONS (Continued)

the employee was staying while on personal leave. The reimbursements authorized by this subsection may not exceed the reimbursement rates specified in this article.

11. A state agency may pay or reimburse a state employee for a cancellation charge if the charge is incurred for a reason related to official state business.
12. The Comptroller shall establish rules and procedures for the effective and efficient administration of the travel regulations in this Article.

Sec. 14. **Transportation Expenses.**

1. State employees' use of personally owned or leased motor vehicles:
 - a. Mileage reimbursement rate. A state agency shall reimburse a state employee for using a personally owned or leased motor vehicle. The mileage reimbursement rate for travel occurring during a fiscal year is equal to the maximum fixed mileage allowance specified in the revenue rulings issued by the Internal Revenue Service under Section 1.274-5(f) of the federal income tax regulations as of August 1 preceding the start of the fiscal year. The mileage reimbursement rate may not be less than 25 cents per mile or more than 28 cents per mile. The Comptroller shall announce the mileage reimbursement rate for a fiscal year as soon as possible after August 1 of the preceding year. Except for tolls and the cost of airport parking or other parking fees incurred while employees are away from their places of employment, no additional expenses incidental to the operation of such motor vehicles shall be reimbursed.
 - b. Computing distances. The reimbursement authorized in this subsection for travel within the State of Texas shall be based upon the shortest route between points. For the purpose of computing the shortest route, farm-to-market roads shall be included.
 - c. Travel between a residence and the airport. State employees traveling in a personally owned or leased motor vehicle between their residence and the nearest airport may be reimbursed for mileage at the rate specified in Section 14(1)(a) of this Article subject to the following provisions:
 - (1) If the travel occurs during working hours, the reimbursement may not exceed the reimbursement that would be due had the employee traveled between a place of employment and the airport.
 - (2) A state employee may be reimbursed for the mileage incurred by another person while transporting the employee between his residence and the nearest airport during working or non-working hours so long as the employee demonstrates that the reimbursement would be less than the cost of parking a personally owned or leased motor vehicle at the airport.
 - d. Travel between a residence and a duty point. State employees who travel in a personally owned or leased motor vehicle between their residence and their duty point may be reimbursed for mileage at the rate specified in Section 14(1)(a) of this Article subject to the following provisions:
 - (1) If the travel occurs during working hours, the reimbursement may not exceed the mileage that would have been paid had the employee traveled from his place of employment to his duty point.

TRAVEL REGULATIONS

(Continued)

- (2) If the travel occurs before working hours on a working day, the reimbursement may not exceed the reimbursement that would be due had the employee traveled from a place of employment to a duty point. The preceding limitation does not apply if the employee is required to travel because of an unforeseen emergency that is related to official state business.
 - e. Travel between a residence and a place of employment. A state employee may not be reimbursed for his mileage when he travels in a personally owned or leased motor vehicle between his residence and his place of employment unless (1) the travel is necessitated by extraordinary circumstances, and (2) the travel occurs during non-working hours.
 - f. Mileage rate for travel outside of the State of Texas. State employees traveling alone may be reimbursed at the standard mileage rate for the use of their personally owned or leased motor vehicles while traveling outside the State of Texas in accordance with this paragraph. The reimbursement may not exceed either of the following: (a) the amount the employees would have received had they flown the average coach airfare below first class plus the expenses necessary to complete such flight or (b) the reimbursement calculated at the standard mileage rate for the actual miles traveled. Mileage, calculated at the standard mileage rate, between an employee's place of employment and the airport plus other necessary and reasonable expenses that would have been incurred at the airport had the employee flown, including parking fees, shall be considered as expenses necessary to complete a flight for the purpose of this paragraph.
 - g. Travel by a group of state employees outside of the State of Texas. When two or more state employees travel together outside the State of Texas in a motor vehicle that is owned or leased by one of those employees, the reimbursement for the use of that vehicle shall be based upon the total miles between the motor vehicle owner's place of employment and the employees' destination at the standard mileage rate authorized elsewhere in this Article. However, this reimbursement shall not exceed the total cost had each employee flown the average coach airfare below first class plus the expenses necessary to complete the flight as specified in Section 14(1)(f) of this Article.
 - h. Travel to points outside of the State of Texas that are not served by commercial airlines. State employees traveling either alone or with other state employees to duty points outside of the State of Texas that are not directly served by commercial airlines shall be reimbursed for their mileage. This reimbursement cannot exceed the sum of the following: (a) average coach airfare below first class to the nearest city served by air to the destination, (b) mileage between the nearest city served by air and the destination, and (c) the expenses necessary to complete the flight as specified in Section 14(1)(f) of this Article.
2. Transportation in personally owned or leased aircraft:
- a. The rate of reimbursement to key officials, members of boards and commissions, and members of the Legislature for travel in their personally owned or leased aircraft within and without the boundaries of the State of Texas shall be forty cents (40¢) per highway mile when traveling in single-engine aircraft, fifty-five cents (55¢) per highway mile when traveling in twin-engine aircraft, and one dollar (\$1.00) per highway mile when traveling in turbine-powered aircraft.

When additional key officials, members of boards and commissions, or members of the Legislature are conveyed on trips within or without the boundaries of the State of Texas in privately owned or leased aircraft, they each shall receive as a mileage reimbursement

TRAVEL REGULATIONS

(Continued)

an amount equal to that which would have been paid had they traveled by average coach airfare below first class. The Comptroller shall develop procedures whereby these multiple reimbursements can be aggregated into a single payment and paid either to the individual owning or leasing the aircraft or to the vendor providing a leased aircraft; however, the total reimbursement shall not exceed the actual cost of the trip.

Key officials, members of boards and commissions, and members of the Legislature may lease aircraft from a proprietorship, partnership, or corporation in which they have an interest. Reimbursement shall be at the rates established for travel by personally owned or leased aircraft.

- b. The rate of reimbursement for state employees when they travel in their personally owned or leased aircraft within and without the boundaries of the State of Texas shall be forty cents (40¢) per highway mile when traveling in single-engine aircraft and fifty-five cents (55¢) per highway mile when traveling in twin-engine aircraft.

3. Travel by rented or public conveyance:

- a. When a state employee travels by rented or public conveyance, the actual cost of transportation is payable from funds appropriated in this Act subject to the following limitations.
 - (1) The cost of commercial air transportation between an employee's designated headquarters and his duty point must be equal to the lowest rate available. First class airfare may be paid only if it is the only available airfare.
 - (2) The cost of transportation by limousine may be paid only if it is the lowest cost transportation considering all relevant circumstances.
- b. State agencies may pay the expenses associated with state employees traveling by rented or public conveyance in either of two ways at the option of each head of agency.
 - (1) When state employees pay for authorized travel by rented or public conveyance with their personal funds, they shall be reimbursed for that travel in accordance with this Article. Receipts for such transportation, excluding receipts for bus, taxi, or limousine fares, shall be submitted to the Comptroller or processed locally by the institution as attachments to the employee's travel voucher.
 - (2) A head of agency may request a commercial transportation company to furnish transportation to designated state employees of such agency. The cost of the transportation services shall be billed monthly to the agency. The Comptroller may issue a warrant or the institution may issue a check payable to a commercial transportation company only upon the submission by a state agency of a voucher showing the purpose of travel and the necessary approval by the agency. An official receipt from the commercial transportation company showing the details of the transportation must be attached to the voucher.

To facilitate auditing of billings from commercial transportation companies, such companies shall list on their billings the point of origin and point of destination of each trip and shall also show the taxes charged. In addition, on each purchase voucher submitted to the Comptroller for processing or processed locally by the institution, state agencies shall specify in detail the official state business conducted on each trip.

TRAVEL REGULATIONS (Continued)

4. State agencies may directly pay commercial transportation companies prior to the travel of their employees if the companies required the payments to be made in advance in order to obtain lower rates. Cancellation charges are payable if they are incurred because of a business-related reason. The Comptroller shall promulgate rules for the effective and efficient implementation of this paragraph.
5. Return from personal leave: Employees on personal leave at a location outside of their designated headquarters who are required by their heads of agencies to return to their designated headquarters may be reimbursed for the cost of their transportation to headquarters as provided in this section.

Sec. 15. Expenses for Meals and Lodging.

1. General provisions:
 - a. Heads of agencies shall conserve funds by authorizing less than the maximum reimbursements for meals or lodging, or both, when conditions warrant. However, reductions in the amount of reimbursements for meals or lodging, or both, may be authorized only if the affected state employees are notified of those reductions before they incur any expenses. Employees whose living costs are unusually low when traveling, such as those camping out, shall not be reimbursed for their meals and lodging at the maximum rates.
 - b. When a state employee stays at a commercial lodging establishment, the head of his employing state agency may request the lodging establishment to directly bill the agency for the cost of the lodging. The Comptroller may issue a warrant payable to the commercial lodging establishment only upon the submission of a voucher showing the name and designated headquarters of the employee, the room rate for a single occupancy, and the lodging charges on a daily basis. An official receipt from the commercial establishment must be attached to the voucher.
 - c. Each state employee who travels with one or more additional employees in a motor vehicle that is owned or leased by one of those employees shall be reimbursed for the meals and lodging incurred during the trip subject to the limitations contained in this Section.
 - d. No reimbursements for meals and lodging may be paid to state employees when they travel within the confines of their designated headquarters or when they are away from their designated headquarters for fewer than six consecutive hours.
 - e. State employees, board or commission members, must attach the actual receipts for lodging expenses to their travel vouchers when requesting reimbursement of those expenses. A head of agency other than a member of a board or commission is not required to attach lodging receipts.
 - f. Travel to foreign countries, except for Canada and Mexico, must be approved by the Governor in advance of the travel in accordance with the Travel Regulations Act of 1959. A copy of the Governor's approval must be attached to each travel voucher.
 - g. A state agency may reimburse a state employee for a state, county, or local hotel occupancy tax or any similar tax imposed by a law of this state or another state. A state agency may reimburse a state employee for a state, county, or local hotel occupancy tax from which the employee is exempt by law if the employee properly claims the exemption and the commercial lodging establishment refuses to honor the exemption. If

TRAVEL REGULATIONS (Continued)

a state agency directly pays a commercial lodging establishment instead of reimbursing an employee, then the agency may directly pay the tax to the commercial lodging establishment.

- h. A state agency may reimburse a state employee for apartment rental expenses. The Comptroller shall adopt rules to facilitate a state agency's conservation of state funds by renting an apartment in lieu of using another type of commercial lodging establishment.

2. Travel within the State of Texas:

- a. State employees who travel within the State of Texas shall be reimbursed for the actual cost of lodging and meals. However, the reimbursements may not exceed \$55.00 per day per location for lodging and \$25.00 per day for meals.
- b. At the discretion of each head of agency, a state employee whose duties require him to travel outside his designated headquarters without an overnight stay away from his headquarters may be reimbursed for the actual cost of his meals not to exceed \$25.00 per day.

3. Travel outside the State of Texas but within the continental United States:

- a. State employees who travel outside the State of Texas but within the continental United States shall be reimbursed for their actual expenses for lodging and meals. However, these reimbursements may not exceed the locality-based rates specified in the Federal Travel Regulations unless the Comptroller determines, in advance of travel, that local conditions necessitate a change in the lodging rate for a particular location. If an employee travels to a location where a locality-based allowance has not been set in the Federal Travel Regulations, the Comptroller shall establish a rate for that location. This rate cannot exceed the lowest locality-based allowance for that state unless the Comptroller determines, in advance of travel, that local conditions necessitate a higher lodging rate.
- b. Reimbursements for meals to employees whose travel does not require an overnight stay away from their designated headquarters may not exceed \$26.00 per day.

4. Travel outside the continental United States: State employees may receive reimbursements of their actual expenses for meals and lodging when traveling outside the continental United States.

Sec. 16. Travel by Employees of Institutions of Higher Education.

- 1. For the purpose of this section, official state business includes, but is not limited to, the formal presentation of original research by a state employee before a regional, state, national, or international learned society.
- 2. The governing board of each institution of higher education may delegate to its president, chief executive, vice presidents, deans, or fiscal officers the authority to approve travel and the resulting payments and reimbursements. However, such delegations of authority shall specify the kind of travel that may be approved and the termination date of the delegated authority. The delegation of authority shall be entered in the official minutes of each governing board, and a copy of those minutes shall be filed with the Comptroller.

TRAVEL REGULATIONS (Continued)

Sec. 17. **Special Provisions and Exceptions.**

1. **Applicability of this Section:** The provisions of this Section apply only to the extent that they are inconsistent with or supplementary to the provisions of Sections 13, 16 and 18 of this Article.
2. **General exception:** Judicial officers, heads of agencies, the Executive Director of the Legislative Council, and the Secretary of the Senate shall be reimbursed for their actual expenses for meals and lodging either inside or outside the State of Texas. Expenses concerning personally owned or leased motor vehicles and other transportation expenses shall be reimbursed as provided under other Sections of this Article.
3. **Representation of the Governor:** Employees of the Governor's Office, other state employees, and key officials who are designated by the Governor to represent him at governmental meetings or conferences held outside the State of Texas shall be reimbursed for their actual expenses for meals, lodging, and incidentals. These reimbursements may be paid out of the appropriations for the state agencies at which the employees or key officials are employed.
4. **Travel by legislators:**
 - a. **General provisions:**
 - (1) When traveling inside or outside the State of Texas a legislator, at the discretion of each House of the legislature, is reimbursed an amount equal to either the maximum per diem rate in the federal travel regulations for the location at which the expenses are incurred or the actual amount of meals, lodging and incidental expenses incurred. This provision also applies to the meals, lodging, and incidental expenses legislators incur while serving on boards, councils, committees, or commissions.
 - (2) If expenses are incurred in a location for which the federal travel regulations have not specifically established a maximum per diem rate, the amount is equal to the lowest maximum per diem rate for the state, territory, possession, or country in which the expenses are incurred.
 - (3) When traveling inside or outside the State of Texas, a legislator shall be reimbursed for the legislator's use of personally owned or leased motor vehicles and for the legislator's use of rented or public conveyances on the same basis as is provided in this article for state employees. The rate of reimbursement for a legislator's use of a personally owned or leased aircraft is as specified elsewhere in this article. The preceding rates of reimbursement apply even though a legislator's trip does not include travel to or from the City of Austin.
 - b. During a session of the Legislature, a member of the Legislature may be reimbursed for either transportation expenses on the same basis as is provided for state employees or shall be entitled to mileage on the same basis as is provided for state employees.
5. **Travel by employees of the Legislature:**
 - a. When traveling outside the State of Texas, employees of the Legislature may be reimbursed for their actual expenses for meals and lodging.

TRAVEL REGULATIONS (Continued)

- b. When traveling inside the State of Texas, employees of the Legislature may be reimbursed for their actual expenses for meals and lodging in accordance with TEX. GOV'T. CODE ANN., SEC. 301.030(a) (Vernon).
6. Designation of state employees:
- a. When a member of the Legislature, judicial officer, head of agency, Executive Director of the Legislative Council, the Secretary of the Senate, or member of a board or commission is unable to personally attend a meeting or conference, they may designate one of their employees to represent them at the meeting or conference. The designated employee may receive reimbursement of his actual expenses for meals and lodging while attending the meeting or conference. The designations authorized in this sub-section must occur on a trip-by-trip basis.
 - b. Members of the Legislature, judicial officers, heads of agencies, the Executive Director of the Legislative Council, the Secretary of the Senate, and members of state boards and commissions may authorize state employees traveling with them to receive reimbursement of their actual expenses for meals and lodging.
7. Aircraft pilots: Aircraft pilots shall be reimbursed for their actual expenses for meals and lodging on the same basis as provided in this Article for state employees. However, aircraft pilots are not subject to the requirement of being away from their designated headquarters for at least six consecutive hours in order to qualify for reimbursements of their meals.
8. Prior written approval required: None of the funds appropriated by this Act may be used to reimburse actual expenses as authorized in sub-sections 3 and 6 of this Section unless the head of the agency gives advance written approval and indicates the approximate cost of such travel.
9. Members of state boards and commissions:
- a. As authorized by TEX. REV. CIV. STAT. ANN. Art. 6813f (Vernon), members of state boards and commissions shall receive the following from the state when conducting official state business:
 - (1) compensation of \$30 per day;
 - (2) reimbursement of their actual expenses for meals and lodging when traveling outside of the State of Texas and reimbursement of their actual expenses for meals and lodging not to exceed \$75 per day when traveling inside the State of Texas; and
 - (3) reimbursement of their transportation and incidental expenses at the rates specified in this Act for state employees.
 - b. If a law enacted after Article 6813f authorizes the payment of compensation or the reimbursement of meals and lodging expenses, or both, to members of a particular state board or commission, but does not specify the rate of that payment or reimbursement, then the rates specified in this sub-section shall apply.
 - c. State agencies that have a "Schedule of Exempt Positions and Per Diem of Board Members" following their appropriations may pay compensation to their board or commission members in an amount not to exceed the amount specified in the schedule for each fiscal year.

TRAVEL REGULATIONS (Continued)

- d. None of the funds appropriated in this Act may be used to pay compensation to a member of a state board or commission to the extent that the member provided services to the board or commission during the period of time when the member is customarily required to provide services as a state employee to his employing state agency.
- e. When members of boards or commissions who are entitled to be reimbursed for their actual expenses incur expenses for meals or lodging while attending official meetings, the reimbursements may be claimed by the submission to the Comptroller or institution of a single travel voucher. However, this voucher must itemize expenses for each board or commission member. The board or commission shall designate the appropriate employee or officer of the agency to be responsible for approval of these vouchers.

10. Travel by disabled persons:

- a. Notwithstanding any other provision of this Article, state agencies may reimburse disabled state employees and disabled members of the Legislature for attendant care and other necessary expenses incurred when they travel inside or outside their designated headquarters. However, disabled persons may not be reimbursed for the expenses incurred when traveling from their residences to their places of employment except as provided in this Act for state employees.
- b. First class airfare for the disabled and their attendants may be reimbursed so long as that airfare is medically necessary.
- c. None of the reimbursements authorized in this sub-section may be paid until the employing state agency has established policies and procedures for the travel of disabled persons. The reimbursements authorized in this sub-section shall be in addition to the reimbursements authorized elsewhere in this Article.

Sec. 18. **Moving Expenses of State Employees.**

- 1. A State agency included in Articles I, II, III, or IV of this Act may use appropriated funds to pay the reasonable, necessary, and resulting costs of moving the household goods and effects of a state employee who is transferred from one designated headquarters to another so long as the agency determines that the best interests of the State will be served by such transfer and the distance between the two designated headquarters is at least 25 miles. A state agency may pay the costs of moving the household goods and effects of any state employee who is employed at any facility that is being closed or downsized, if the agency retains that employee by offering a position in another location that is at least 25 miles from the location being closed or downsized. This does not include a transaction fee or sales commission for sale of a homestead or other real property.
- 2. State-owned equipment shall be used to move the household goods and effects of transferring state employees. However, when such equipment is unavailable, state agencies may pay for the services of a commercial transportation company or for self-service vehicles to make the move.
- 3. The use of appropriated funds as authorized in this Section is expressly conditioned upon presentation to the Comptroller of bona fide receipts or invoices showing the applicable charges.
- 4. Transferring state employees may be reimbursed at the standard mileage rate for reasonable and necessary moving-related travel by personally owned or leased motor vehicle.

TRAVEL REGULATIONS (Continued)

5. State employees who will be required to live in state-owned housing may be reimbursed for the storage expenses incurred when the housing is not available at the time the employing state agency requires the move to be made.

Sec. 19. **Passenger and Other Vehicular Equipment (excluding Aircraft).**

1. Only the following agencies are authorized the use of appropriated funds for the purchase, operation, and maintenance of passenger cars and other vehicles designed for passenger transportation (excluding aircraft): Texas Youth Commission, Adjutant General's Department, Alcoholic Beverage Commission, Department of Agriculture, Attorney General, General Services Commission, Department of Criminal Justice, Department of Transportation, Historical Commission, General Land Office, Parks and Wildlife Department, Railroad Commission, Department of Public Safety, Natural Resources Conservation Commission, Water Development Board, Board of Plumbing Examiners, Board of Pharmacy, Low-Level Radioactive Waste Disposal Authority.
2. For the purposes of the above limitation, the following vehicular equipment shall not be construed to be passenger cars and other vehicles designed for passenger transportation and may be purchased, operated, and maintained by an agency through appropriated funds: panel, pickup and delivery trucks and trucks required for the conveyance of special equipment; motorcycle delivery units; dual control automobiles used exclusively for driver training; passenger cars equipped with two-way radios when such equipment is a direct requirement of the user's primary responsibility; motorcycles, jeeps, and boats needed and used for fire prevention, fire fighting and other activities for safeguarding public safety, public property, or for criminal law enforcement; ambulances or other passenger vehicles specifically equipped and regularly used for ambulance services; buses, sedans, vans and station wagons regularly used for the mass transportation of numbers of people and essential to the efficient management of the operating agency of the state as certified by a report filed with the Governor's Budget and Planning Office and the Legislative Budget Office prior to acquisition.
3. It is the intent of the Legislature that agencies authorized to purchase passenger vehicles and/or other general use ground transportation vehicles shall purchase economical, fuel efficient vehicles assembled in the United States of America when the purchase of such vehicles would have no significant detrimental effect on the public service being performed. Each agency purchasing vehicles as authorized in this Act shall file, as a part of the annual report required elsewhere in this Article, a report listing each passenger vehicle purchased, make and model, purchase price, assigned type of use and fuel efficiency as expressed by the manufacturer fuel efficiency rating.
4. No funds appropriated by this Act may be expended by any agency or employee or state official to use a state car for personal use or for commuting to or from work, except when such commuting may be necessary to ensure vital agency functions are performed. Exceptions and reasons therefore shall be certified by individual name and job title by the administrative head of each affected agency and reports of such exceptions shall be filed in the annual report of the agency.

Sec. 20. **Aircraft.**

1. This sub-section shall apply only to state-owned aircraft and shall be the only appropriation authority therefor:
 - a. No purchase of aircraft shall be made from appropriated funds except as authorized in this Section.

TRAVEL REGULATIONS (Continued)

- b. Agencies authorized to expend appropriated funds for the maintenance and operation of state-owned aircraft or replacements authorized below are: Texas A&M University System, Department of Criminal Justice, Department of Transportation, Parks and Wildlife Department, Department of Public Safety, University of Texas System, Texas State Technical College, Texas Forest Service, and Aircraft Pooling Board. Notwithstanding any other provision of this Act, all state-owned aircraft (including aircraft forfeited to or seized by a particular agency) are subject to the authority of the Aircraft Pooling Board under Article 4413(34b), V.A.C.S.
- c. Expenditure of appropriated funds for replacement of the above aircraft with aircraft of comparable quality may be made contingent upon approval of the Aircraft Pooling Board and a finding of fact by the Governor that a report has been filed with his office showing:
 - (1) That the aircraft to be replaced has been destroyed or has deteriorated to an extent that continued operation presents a serious hazard or that the aircraft to be replaced can no longer meet the mission requirements of the principal user state agency.
 - (2) That other state-owned aircraft cannot be effectively utilized in lieu of a replacement aircraft.
- d. It is the intent of the Legislature that state-owned aircraft be utilized by all agencies of the state. To determine the extent to which this intent is being met, agencies operating state-owned aircraft shall file an annual report with the Legislative Budget Office detailing utilization by other agencies and the methods used to increase the utilization. Statewide-elected officials shall be given priority in the scheduling of aircraft, however, the State Aircraft Pooling Board may require a twelve (12) hour notice by an official in order to accomplish such priority scheduling.
- e. The Aircraft Pooling Board shall purchase liability insurance to protect the officers and employees of state agencies operating state-owned aircraft. Expenditures necessary to purchase such insurance shall be made on a pro rata basis, as determined by the Aircraft Pooling Board, from appropriations authorized to each agency operating a state-owned aircraft. The Comptroller shall transfer such necessary amounts from agencies operating aircraft to the Aircraft Pooling Board for the purchase of liability insurance and expenditure of such funds by the board is hereby authorized.
- f. All state agencies operating aircraft based in Austin shall use State Aircraft Pooling Board facilities for storage, maintenance, and fueling of these aircraft to the extent that State Aircraft Pooling Board facilities are available.
- g. All agencies using State Aircraft Pooling Board services shall reimburse the State Aircraft Pooling Board for providing services within 30 days from the date of billing.
- h. Any reimbursements received by an agency of the state for authorized aircraft services rendered to any other agency of the state are hereby reappropriated to the agency receiving such reimbursements, and shall be credited to the agency's appropriation item(s) for aircraft expenses.
- i. All rates charged for interagency aircraft services shall be approved by the Aircraft Pooling Board and shall be set at levels adequate for recovery, to the extent possible, of all direct costs (including the pro-rata share of major maintenance, overhauls, and pilots' salaries) for the services provided.

TRAVEL REGULATIONS (Continued)

- j. Except for appropriations made to the State Aircraft Pooling Board and the Comptroller of Public Accounts, no appropriations made in this act may be expended for lease or operation of aircraft, unless used only for transportation which meets the following criteria:
 - (1) the purpose of the trip is official state business;
 - (2) all passengers are state officers or employees, or are persons in the care or custody of state officers or employees, or are persons whose transportation furthers the official state business purpose of that flight;
 - (3) the destination is not served by commercial carriers, or the time required to use such a carrier interferes with other obligations, or the number of state officers and employees traveling makes the use of state aircraft cost effective;
 - (4) any speeches to be given by passengers are related to official state business;
 - (5) events attended by passengers are not sponsored by a political party or for its promotion;
 - (6) no fees or honorariums are received by passengers, unless travel costs are reimbursed to the state;
 - (7) no money is raised for private or political purposes; and
 - (8) audiences are not charged to see or hear any of the passengers.
- 2. This subsection shall apply to expenditure of funds in connection with aircraft not owned by the state.
 - a. In the event that a need arises and no state-owned aircraft are available through the Aircraft Pooling Board, or if the board determines that long or short-term lease or rental of aircraft would reduce the cost of transportation to the State of Texas, the board shall authorize state agencies to expend funds for such lease or rental of aircraft or helicopters.
 - b. Other than mileage reimbursements provided for in this Act, no other state agency in Articles I through IV may expend appropriated funds for the lease or rental of aircraft.

OTHER PROVISIONS

Sec. 21. Acceptance of Gifts of Money. All bequests and gifts of money to state agencies named in this Act including Article VI who have specific authority to accept gifts are hereby appropriated to the agency designated by the grantor and for such purposes as the grantor may specify, subject to the following:

- 1. Unless exempted by specific statutory authority, all such bequests and gifts of moneys shall be deposited into the State Treasury and shall be expended in accordance with the provisions of this Act.
- 2. No gifts or bequests to a state agency shall be transferred to a private or public development fund or foundation, unless written permission for the transfer is given by the donor of the gift

OTHER PROVISIONS (Continued)

or representative of the estate. An account of all such letters of written permission and transfers of gifts and bequests shall be kept by the agency and shall be reported to the State Auditor.

Sec. 22. **Federal Funds.**

1. All funds received from the United States government by state agencies and institutions named in this Act are hereby appropriated to such agencies for the purposes for which the federal grant, allocation, aid, payment or reimbursement was made subject to the following:

- a. Except for institutions and agencies of higher education, federal funds including unexpended balances shall be deposited to and expended from the specific appropriation item identified under each agency's appropriation bill pattern.

Except for institutions and agencies of higher education, no federal funds may be expended for strategies or functions other than those which have been reviewed by the Seventy-third Legislature and authorized by specific language in this Act or encompassed by an agency's budget structure as established by this Act.

- b. As applicable, federal reimbursements received for expenditures previously made or services performed on behalf of federal programs from state funds shall be credited by the Comptroller to the fund from which the expenditure was originally made. The credit shall be to the agency's current appropriation item or accounts from which the expenditures of like character were originally made and are hereby reappropriated. Reimbursements received from employee benefits paid from General Revenue Fund appropriations of other administering agencies shall be deposited to the unappropriated General Revenue Fund.
 - c. All agencies receiving federal funds shall utilize those funds to the maximum extent possible to reduce expenditures of state funds appropriated for use. It is the intent of the Legislature that reductions in state funds be returned to the State Treasury.
 - d. It is the intent of the Legislature that any position created for administration of federal grant programs shall be phased out upon discontinuance of the particular federal grant for which it was authorized.
 - e. Annual reports showing federal funds received and their intended usage shall be filed by the Governor's Budget and Planning Office with the presiding officers of both houses of the Legislature for referral to appropriate standing committees for review.
 2. Agencies subject to the Position Classification Act of 1961 will make federal grant employment in accordance with the provisions of that Act in positions listed in Article V of this Act.
 3. In order to maximize the amount of federal alcohol and drug abuse funds which might become available to the Texas Commission on Alcohol and Drug Abuse, it is the intent of the Legislature that state funds used by any state agency to provide alcohol and drug abuse services may be counted towards any required state matching contribution for such federal funds.
 4. All state agencies are required to report potential losses of any federal funds to the Governor, Legislative Budget Board, and the Comptroller of Public Accounts so that the Comptroller can include these potential federal fund losses in his report to the Legislature prior to each session.

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Sec. 23. Earned Federal Funds. Earned federal funds are defined as all moneys received in connection with each entitlement period of a federally funded contract, grant or program excluding reimbursements as defined in Section 22(1)(b), which are not required by the governing agreement to be disbursed thereon. Typically, they arise from recoveries of costs previously paid from a nonfederal fund source, interagency contracts paid from another agency's federal funds, indirect cost allocations, interest earned on federal funds, and minor sources such as the sale of fixed assets purchased with federal funds. Except for state agencies of higher education and their affiliated agencies, the expenditure of funds received and/or earned in accordance with this definition by state agencies is limited to the appropriation authority granted to each agency. Any such excess funds remaining at the end of the biennium for each agency are to be carried forward as a funding source available for appropriations of the subsequent biennium.

Sec. 24. Prison-produced Goods. In order that all state agencies and institutions covered by this Act fully utilize funds herein appropriated, it is the intent of the Legislature that such agencies and institutions shall purchase goods produced by the Texas prison system when such goods are equal to or lower in price than goods of a comparable quality when purchased on the open market.

Sec. 25. Acquisition of Property. In order to conserve the moneys appropriated by this Act, the General Services Commission and the governing boards of the state institutions of higher learning either acting directly or through the General Services Commission or through any other state agency in behalf of their respective institutions, are hereby authorized to negotiate purchases of commodities and supplies of any kind or character whatsoever needed by any state agency with the duly authorized agencies of the federal government. However, any such commodities or supplies so purchased shall be obtained at a price not to exceed the prevailing market value thereof, and if there be no market value then at the real or intrinsic value.

It is further provided that only for the purposes of the expenditures authorized in the preceding paragraph, the General Services Commission and the governing boards of the state institutions of higher learning may waive the requirement of bidder's bond and performance bonds, otherwise required, in negotiating such purchases with the duly authorized representatives of the federal government.

Except as specifically authorized to do so by existing statutes, none of the agencies for which appropriations are made in this Act shall accept the donation of real property or expend any of the moneys appropriated herein for the purchase of real property without the expressed permission and authorization of the Legislature. It is further provided that the institutions of higher education are specifically authorized to accept gifts or devises of real property from private sources for the establishment of scholarships, professorships, or other trusts for educational purposes, provided such property will not hereafter require educational and general funds appropriations by the Legislature for operation, maintenance, repair, or the construction of buildings.

Sec. 26. Surplus Property. Receipts to any agency of the state government specified in this Act which are received from the sale of surplus property, equipment, livestock, commodities, or salvage pursuant to the provisions of House Bill No. 1673, Chapter 773, Acts, Sixty-sixth Legislature, 1979, are hereby appropriated to such State agency for expenditure during the fiscal year in which such receipts are received. Receipts from such surplus and salvage sales are to be credited to the appropriation item from which like property, equipment, livestock, or commodities would be purchased.

Sec. 27. Excess Obligations Prohibited. No department or agency specified in this Act shall incur an obligation in excess of the amounts appropriated to it for the respective objects or purposes named. As a specific exception to this provision the General Services Commission may determine that a proposed installment purchase arrangement is cost effective and certify this finding in response to an agency request. Such a finding may be made for obligations incurred for the

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purchase or lease of automated information system equipment only if such department or agency has filed with the Department of Information Resources (DIR) a long-range automated information system plan and such plan has been approved by DIR. In the event this provision is violated, the State Auditor shall certify the fact and the amount of over-obligation to the Comptroller, and the Comptroller shall deduct an amount or amounts equivalent to such over-obligation from the salary or other compensation due the responsible disbursing or requisitioning officer or employee, and apply the amount to the payment of the obligation. This provision is specified pursuant to Section 10, Article XVI, of the Constitution of Texas.

Sec. 28. Definition of "U.B." In this Act, the term "unexpended balance" or the abbreviation "U.B." means the unobligated balance remaining in any appropriation, i.e., only that part of an appropriation, if any, that has not been set apart by the incurring of an obligation, commitment, or indebtedness by the state agency authorized to spend the appropriation. A reference in this Act to "unexpended balance" or "U.B." is a reference to the unobligated balance of an amount appropriated for the fiscal year ending August 31, 1993, by House Bill 1, Acts of the Seventy-second Legislature, First Called Session, 1991.

Sec. 29. Reimbursements and Payments.

1. Any reimbursements received by an agency of the state for authorized services rendered to any other agency of the state government, and any private sources and any payments to an agency of the state government made in settlement of a claim for damages, are hereby appropriated to the agency of the state receiving such reimbursements and payments for use during the fiscal year in which they are received.
2. Forfeited money, proceeds from the sale of forfeited property or similar monetary awards related to the agency's participation in the seizure of controlled substances or other contraband are appropriated to the receiving state agency, unless distribution is otherwise provided by statute.
3. Except as provided elsewhere in this Act, net amounts of money received by an agency as a result of tax seizures, forfeitures of property, or other similar regulatory functions authorized by statute shall be deposited in the state treasury as unappropriated revenues to the funds and/or accounts authorized by statute. The portion of proceeds representing recoveries of costs incurred in such forfeitures, seizures or similar functions are appropriated to the receiving agency. Such cost recoveries include court costs, attorney fees, rentals or storage fees, auction and sale costs, preparation costs to condition property for sale, and salaries, travel, and other overhead costs of the agency.
4. The reimbursements and payments received shall be credited by the Comptroller to the agency's current appropriation items or accounts from which the expenditures of like character were originally made, or in the case of damage settlements to the appropriation items or accounts from which repairs or replacements are made; provided, however, that any refund of less than fifty dollars (\$50) to an institution of higher education for postage, telephone service, returned books and materials, cylinder and container deposits, insurance premiums and like items, shall be deposited to the current fund account of the institution in the State Treasury and such funds are hereby reappropriated.

Sec. 30. Refunds of Deposits.

1. Any money deposited into the State Treasury which is subject to refund as provided by law shall be refunded from the fund into which such money was deposited, transferred, or otherwise credited, and so much as is necessary for said refunds is hereby appropriated.

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2. Unless another law, or Section of this Act, provides a period within which a particular refund claim must be made, funds appropriated herein may not be used to pay a refund claim made under this Section after four years from the latest date on which the amount collected or received by the state was due, if the amount was required to be paid on or before a particular date. If the amount was not required to be paid on or before a particular date, a refund claim may not be made after four years from the date the amount was collected or received. A person who fails to make a refund claim within the period provided by law, or this provision, shall not be eligible to receive payment of a refund under this provision.
3. As a specific limitation to the amount of refunds paid from funds appropriated in this Act during the 1994-95 biennium, the Comptroller shall not approve claims or issue warrants for refunds in excess of the amount of revenue estimated to be available from the tax, fee, or other revenue source during the biennium according to the Biennial Revenue Estimate of the Comptroller of Public Accounts used for certification of this Act. Any claim or portion of a claim which is in excess of this limitation shall be presented to the next legislature for a specific appropriation in order for payment to be made. This limitation shall not apply to any taxes or fees paid under protest.
4. The State Comptroller of Public Accounts shall establish accounting procedures for suspense fund refund transactions in which all agencies will eliminate the delayed clearance of moneys from the suspense fund, reduce accounting paperwork, and maximize revenues to the General Revenue Fund and other state funds.

Sec. 31. **Dormant Accounts.** As provided in Tex. Govt. Code Ann., Sec. 403.091 the State Comptroller of Public Accounts shall, with the consent of the State Auditor and the State Treasurer, transfer the balances in any dormant account to the General Revenue Fund.

Sec. 32. **Audits.** None of the appropriations herein made shall be used to employ any firm or person to audit the books of any department, board, commission, institution or state agency, this being the duty of the State Auditor; provided, however, that in any instances where the funds available to the State Auditor are not, in the State Auditor's judgment, sufficient for any requested or contemplated audit, the department head or heads having authority to disburse the appropriations herein made are hereby authorized to direct the state Comptroller to transfer from any appropriations to the appropriation herein made for the State Auditor the amount which in the judgment of the State Auditor is necessary for the purpose of making such audit.

Any amount so transferred to the State Auditor shall be used for the actual costs of the specified audit, and any balances of such funds remaining at the end of any fiscal year are hereby appropriated to the State Auditor for the purpose of completing the audit or audits for which the funds were transferred. On the completion of any such audits any excess funds remaining shall be transferred by the State Auditor back to the department, board, commission, institution or agency from which transferred.

The provisions of this Section notwithstanding, supplemental audits of funds received from the United States Government by agencies of the state named in this Act, which are required as a condition of the receipt of such funds, may be made in addition to the auditing performed by the State Auditor when funds for such purpose are provided by the federal grant, allocation, aid or payment.

Notwithstanding other provisions of this Act, any state agency providing grants or operating funds for governmental programs to local governmental units, private corporations, or other organizations other than a state agency or department, may require, as a condition to granting or providing such funds, that the receiving entity have a yearly independent audit performed and transmitted to the state agency. If sufficient personnel are available, the state agency may have its internal audit staff

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make a yearly inspection visit to the local entity. The state agency shall take action on exceptions noted in the independent audits and provide documentation of that action to the State Auditor, Legislative Audit Committee, Legislative Budget Board and the Governor's Office. Notice of such action shall be given at the board meeting of the state agency and shall be announced on the agenda of that meeting.

Sec. 33. Interpretation of Estimates. In the event the amounts of federal funds, local funds, or funds other than appropriations from the General Revenue Fund, have been estimated in this Act in sums greater than are actually received by the respective agencies of the state, this Act shall not be construed as appropriating additional funds from General Revenue to make up such differences. Wherever the language of this Act appropriates all receipts and balances from a specified source but uses an estimated amount to inform the Legislature and the public, the estimated figure is not to be construed as a limitation on the amount appropriated.

Sec. 34. Petty Cash Accounts. A state agency may expend petty cash funds in a manner consistent with the provisions of §403.241 et seq., Government Code. Such amounts as are necessary for the efficient operation of state agencies are appropriated. All amounts should be drawn from appropriations where similar expenditures would be made.

Sec. 35. Sale of Hearings Transcripts. Proceeds from the sale of transcripts made by hearings reporters who are state employees shall be deposited in the State Treasury in all cases where the copies of the transcript are made on state time or using state supplies or equipment. State agencies allowing employees to retain proceeds from the sale of transcripts shall develop procedures for assuring that neither state equipment nor supplies are used in preparing copies of transcripts.

Sec. 36. Vending Machines Authorized. Except in those areas which are now served by vendors operating under supervision of the Blind Commission, vending machines may be placed on state-owned or leased property or in state-owned or leased buildings only with the approval of the governing boards or commissions and such approval shall be recorded in the minutes of the body. A copy of the contract shall be filed with the General Services Commission showing the location within the agency and the terms of the contract. Proceeds, net revenues, rentals or commissions received shall be accounted for as state revenue and the amount so collected is hereby appropriated to the institution, board, commission or agency for use as directed by the board or commission authorizing the installation. The amount of such proceeds, net revenues, rentals or commissions and disposal of such funds shall be included in the annual report of the state agency as required elsewhere in this Act. Vending machines located in areas or buildings now being serviced by vendors under the supervision of the Blind Commission must be operated under a joint contract with the machine owners and the vendors operating under the supervision of the Blind Commission.

Sec. 37. Pay Station Telephones Authorized. Pay station telephones may be located in the capitol area only with the approval of the General Services Commission and the net proceeds of such installations shall be collected and deposited to the General Revenue Fund by the General Services Commission. In other areas pay telephones may be located in state-owned or leased buildings or on state-owned land only with the approval of the governing board or commission and the net proceeds shall be collected and accounted for as state revenue and the amount so collected is hereby appropriated for use by the agency as determined by the governing board or commission. The amount of net proceeds and disposal of such funds shall be included in the annual report of the state agency as required elsewhere in this Act.

Sec. 38. Central Supply Store and Revolving Fund. The legislative intent in establishing a Central Supply Store to serve state agencies is to obtain maximum efficiency and economy of operations and convenience to state agencies. To this end the revolving fund previously established in the amount of Seven Hundred Thousand Dollars (\$700,000) is hereby reappropriated. Transfer

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of agency funds to reimburse this revolving fund for purchases made by the using agency shall be accomplished by the most efficient and expeditious procedure possible including the elimination of warrant issuance when feasible.

Sec. 39. Purchases of Postage. Except as otherwise provided in this section, the funds appropriated by this Act may be expended for purchasing postage only from, or paying post office box rent only to, the United States Postal Service. However, the preceding limitation does not apply to any reimbursement authorized under either Section 29 of this article or Section 8. 4. of Article III of this Act; to reimbursements to any authorized petty cash account; or, to reimbursements to state employees for emergency purchases of postage or emergency payments of post office box rent.

If the expenditures for postage by any agency, other than the legislature or an agency of higher education, exceed \$4,000 for a fiscal year, then the agency shall install a postage meter machine and have all purchases of postage recorded on that machine, excepting purchases of stamps for field offices or traveling employees. The installation cost and rental of the postage meter machine shall be paid from appropriations in this Act for general operating, current and recurring operating expense, other operating, maintenance, miscellaneous, or contingent expenses. An agency, including the legislature or an agency of higher education, may rent a postage meter machine from a private company approved by the General Services Commission and may pay the company for postage in accordance with procedures established by the commission.

The amount received by an agency as a refund of postage used by the agency shall be deposited in the fund to the credit of the appropriation from which postage for the agency is paid and is reappropriated to the agency for postage use.

The Comptroller of Public Accounts shall adopt procedures to implement this section after consulting with the General Services Commission.

It is the intent of the Legislature that state agencies and institutions use the most cost-effective means of postal service available.

Sec. 40. Court Representation and Outside Legal Counsel. Except as otherwise provided by the Constitution or general or special statutes, the Attorney General shall have the primary duty of representing the State of Texas in the trial of civil cases. Funds appropriated in this Act may not be expended by any agency of the state government (other than those included in Article VI of this Act) to initiate a law suit or defend itself against any legal action without the consent of the Attorney General. Absent this consent, such agency shall be represented in that particular action by the Attorney General or a member of his staff. Where the Attorney General, District Attorney, Criminal District Attorney, County Attorney, or other lawyer is required by constitutional or statutory provision to represent a state agency, state official, state board or state department, no compensation shall be paid from any appropriation made in this Act to any other attorney for representing the State of Texas in the trial of a civil law suit in Constitutional Courts except in those cases where the Attorney General consents to such representation or the District Attorney, Criminal District Attorney, County Attorney or other lawyer has requested that the attorney or attorneys employed by the particular state agency, state official, state department or state board assist with the trial of the particular law suit. This provision shall not, however, restrict a state agency, state official, state department or state board in the investigation and assembling of evidence in connection with a pending or prospective civil suit. Further, this provision shall not prohibit the foregoing state officials, state agencies, state boards or state departments and their employees from investigating, filing or presenting a claim, owing to the State of Texas, when such claim is filed with or presented to an individual, association, corporation, guardian, administrator, executor, receiver, trustee, legal representative, or probate court.

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This provision was not intended and shall not restrict the Attorney General from employing special assistants to assist in the trial of civil suits to be paid from the appropriations therefor made to the Attorney General's Office.

Prior to expenditure of funds for retaining outside legal counsel, agencies and departments other than those included in Article VI of this Act shall request the Attorney General to perform such services. If the Attorney General cannot provide such services, he shall so certify to the requesting agency who may then utilize appropriated funds to retain outside counsel. However, funds appropriated in this Act may not be used to contract with an attorney who represents clients before the agency or who has, during a six month period preceding the initiative of the contract and a six month period following the termination of the contract, represented clients before the agency. It is specifically provided that no agency shall initiate the process of selecting outside legal counsel prior to receiving the approval of the Attorney General to retain outside counsel.

It is the intent of the Legislature that when the Attorney General is called upon by a state agency to take legal action in court against another state agency that the Attorney General give special consideration to permitting one of the agencies to employ, from the permitted agency's funds, outside counsel to represent that agency in that action in order to avoid a conflict of interest by the Attorney General in the representation of both agencies.

In the event that the Attorney General should initiate legal action against another state agency in behalf of the Attorney General rather than another agency, the Legislature determines that a conflict of interest exists and the agency against which the Attorney General takes action is hereby authorized to expend appropriated funds for outside legal counsel to represent that agency without the prior approval or consent of the Attorney General.

Sec. 41. Prime Design Professional Fees. The prime design professional may be either a registered architect or a registered professional engineer. Fees paid to the prime design professional from funds appropriated in this Act shall be governed by the following schedule and provisions:

1. The schedule of basic fees to be paid a prime design professional for all professional services as set out below, based on the total cost of the work, shall not exceed:

| Construction Cost of Project: | Dormitories, Garages, and Warehouses | Classroom, Office and Other Bldgs. | Health, Research, Special Education Facilities |
|----------------------------------|--|--|--|
| Over \$15,000,000 | 6.0% | 6.0% | 6.0% |
| \$200,000 to \$15,000,000 | 6.5% | 7.0% | 7.5% |
| Up to \$200,000 | 7.5% | 8.0% | 8.5% |

Basic fee for remodeling and alterations shall be one-third greater than scheduled above. Alterations and remodeling is defined as any change, architectural, structural, mechanical or electrical, made to an existing structure and includes portions of that structure changed as a result of additions or extensions to a structure.

2. When one building design is used in two or more locations within the same project, the fees to be paid shall be:
 - a. For the first building of such design, a basic fee calculated according to the schedule above.

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- b. For the second and subsequent buildings utilizing such design, the basic fee shall be reduced 35%. Such fee shall include changes required by site conditions including foundation redesign; partition changes; mechanical and electrical changes; necessary program changes; other architectural or engineering services normal under such circumstances; and inspection of the construction.
3. Prime design professional fees shall include:
 - a. The necessary conferences, and the preparation of preliminary studies and final designs.
 - b. The production of complete architectural and engineering drawings and specifications including their proper correlation.
 - c. Construction contract administration and all other normal professional services.
 - d. Payment of all fees to consulting engineers, architects and landscape architects for their services in connection with the building design and construction when employed by the prime design professional.
4. The prime design professional shall inspect the construction of the work to such an extent as may be necessary to ascertain whether the work is being executed in conformity with his working drawings or specifications or directions; make recommendations on materials and equipment; check and report on contractor's proposals in connection with changes in the contract; and approve certificates of payment. When continuous field supervision or a clerk of the works is deemed necessary by the state, the cost of such supervisory personnel shall be borne by the state in addition to the basic fee.
5. The maximum fee specified shall include the cost of all professional services rendered by architects or engineers, and the aggregate contract price for services rendered by a consulting architect and consulting engineer shall never exceed the applicable fee limitation except as set forth in sub-section 4 hereof.
6. The state will furnish the prime design professional a limited consulting service consisting of a complete survey, soil analysis, and a program of the work outlining in detail the space requirements, their general relationships and the standards of types of construction.

Sec. 42. Minutes of Board Meetings. The appropriations made in this Act are contingent upon adherence to the following procedure: in order that the Governor and the Legislature may be more adequately informed about the disposition and use of appropriations authorized from all funds, the governing bodies of the institutions, schools, and agencies of the executive branch of the government shall cause to be filed with the Legislative Reference Library, immediately upon transcription, certified copies of the minutes of board meetings. Any changes or subsequent corrections of minutes shall be similarly filed with the Legislative Reference Library.

Sec. 43. State Telephone System Use. It is the intent of the Legislature that policy manuals of state agencies and institutions of higher education contain the directive that state employees be advised that an employee may be held liable for the cost difference between a non-State Telecommunications System (STS) call and an STS call, unless the non-STs call meets the following standards: (1) the executive head certifies to the Comptroller that an emergency exists; (2) the General Services Commission determines the non-STs call is most cost effective; or (3) the STS network is not available at the location.

Sec. 44. Intercity Telecommunications. State agencies shall to the fullest extent possible utilize the State Telecommunications System (STS). Funds appropriated in this Act to state agencies as

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defined in Section 1.02(2), Article 601b, V.T.C.S., shall not be expended for the acquisition of intercity telecommunications until a determination has been made by the Telecommunications Services Division of the General Services Commission that the agency requirement for intercity telecommunications cannot be met by the STS network. Existing facilities of the STS network will be utilized to the maximum extent possible to meet the intercity telecommunications needs of each agency.

Sec. 45. Telecommunication Revolving Account. All moneys paid into this account in accordance with the provisions of Article 10 of Article 601b, V.T.C.S., are hereby appropriated and may be expended for the purposes set out in Article 10. This includes services such as planning, development of requests for information and proposals and contract negotiations. The balance in this account as of August 31, 1993, is hereby reappropriated and may be expended for those same purposes.

Sec. 46. Centralized Capitol Complex Telephone System. This section shall apply to state departments and agencies in the Capitol Complex area utilizing the state-owned Centralized Telephone Service of the General Services Commission.

Upon certification by the General Services Commission as to the pro rata share of the system for each using agency, a reimbursement to the General Services Commission shall be accomplished by the most efficient and expeditious procedure possible including the elimination of warrant issuance when feasible. Funds applicable to the state-owned Centralized Telephone Service shall be maintained in the Telecommunication Revolving Account but specifically identified. The Telecommunication Revolving Account shall be utilized as the depository for specific appropriations, reimbursements from using agencies, and shall be a source of funds to purchase, installment purchase, lease or otherwise acquire services, supplies, and equipment and to pay salaries, wages, and other costs directly attributable to the provisions and operations of the system.

All moneys paid into this account are appropriated for stated purposes and the balance at August 31, 1993, is reappropriated for the 1994 fiscal year and the balance at August 31, 1994, is reappropriated for fiscal year 1995. Notwithstanding other provisions in this Act, the General Services Commission is authorized to enter into a lease-purchase or installment purchase agreement for equipment and related telephone lines, etc., for a state-owned Centralized Telephone System.

Sec. 47. Use of TEX-AN Network. The Legislature instructs state agencies to use the Texas Agency Network (TEX-AN) to the fullest extent possible. Funds appropriated in this Act to state agencies as defined in Section 1.02(2), Article 601b, V.T.C.S., shall not be expended for the acquisition of intercity telecommunications facilities or services until a determination has been made by the Telecommunications Services Division of the General Services Commission and the Department of Information Services (DIR) that the agency requirement for intercity telecommunications cannot be met by the TEX-AN network. State agencies shall not enter into or renew contracts with carriers or other providers of intercity telecommunications facilities or services without obtaining waivers from the Telecommunications Services Division and DIR certifying that the requested intercity telecommunications requirements cannot be provided at reasonable costs on the TEX-AN network. Waiver requests will be evaluated by the Telecommunications Services Division and DIR based on cost-effectiveness to the entire State of Texas. Waivers may be granted for specific periods of time and automatically expire upon the expiration date unless an extension is approved by the Telecommunications Services Division and DIR. Contracts for services obtained under waiver shall not extend beyond the expiration date of the waiver.

Sec. 48. Unlisted Telephone Numbers Prohibited. None of the funds appropriated by this Act shall be expended by any state agency, official or employee thereof, for the payment or rental or toll charges on telephones which are not listed or available from "Information Operators" at telephone exchanges. This section shall not prohibit unlisted telephone numbers used in providing

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access to computers, telephone system control centers, long distance networks, elevator control systems, and other tone controlled devices where restricted access to the telephone number is justified for security or other purposes, or in narcotic undercover operations or in detection of illegal sales of securities under the Securities Act.

Sec. 49. Budgeting and Reporting. As a limitation and restriction upon appropriations made by this Act, all agencies covered under Article I through Article IV shall expend funds only if there is compliance with the following provisions:

1. On or before November 1 of each fiscal year, an itemized budget covering the operation of that fiscal year shall be filed with the Governor's Office of Budget and Planning, the Legislative Budget Office, the Treasury Department and Legislative Reference Library in the format prescribed jointly by both budget offices. The operating budget submitted shall include a cash flow analysis in a format determined by the State Treasurer. Such analysis shall be required of any agency by the State Treasurer only if the Treasurer has determined that revenue benefits will accrue to the state as a result of the analysis.
2. All subsequent amendments to the original budget shall be filed with the Governor's Office of Budget and Planning and the Legislative Budget Board within thirty (30) days of approval of such amendments unless such reporting requirement is waived.
3. Under guidelines developed by the Legislative Budget Board, each agency shall file a report with the Legislative Budget Board, the Governor's Office of Budget and Planning, the Legislative Reference Library, the Texas State Publications Clearinghouse, and the appropriate substantive committees of the House and Senate analyzing the performance and operational efficiency of each funded objective and strategy as indicated by the agency's efforts in attaining stated outcome, output and efficiency targets. The report shall be submitted at such intervals required by the Legislative Budget Board and shall contain a comparison of actual performance for the reporting period with performance projected to be achieved based on the level of funding appropriated. In developing guidelines for the submission of agency performance reports, the Legislative Budget Board shall:
 - (1) specify the measures to be reported including the key performance measures established in this Act;
 - (2) approve the definitions of measures reported;
 - (3) establish standards for the calculation of projected performance target levels and the reporting of significant variances between actual and projected target levels;
 - (4) utilize, to the extent possible, the features and capabilities of the Uniform Statewide Accounting System for agency compliance with these reporting requirements.

The Legislative Budget Board may adjust projected performance target levels, modify existing measures and measure definitions, develop new measures, and/or transfer measures between agencies to reflect appropriation changes made by riders or other legislation subsequent to passage of this Act, invocation of budget execution authority by the Governor and the Legislative Budget Board, or as unforeseen circumstances may warrant during the biennium.

4. To ensure that the Program and Cost Accounting functions of the Uniform Statewide Accounting System (USAS) are maximized, it is the intent of the Legislature that the Legislative Budget Board and the Governor's Budget Office: (1) determine the agencies, institutions, goals, strategies or other reporting units for which cost accounting data is required; (2) approve the basis for calculating and allocating costs to selected functions, tasks or measures; (3) determine the frequency of reporting cost accounting data needed; and, (4) provide for the integration of cost accounting data into the budget development and oversight

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process. The determinations to be made should be based upon due consideration of the relative benefits and cost-effectiveness of applying cost accounting requirements to a given state operation.

It is further the intent of the Legislature that the Comptroller of Public Accounts develop and provide USAS training modules and support for state agencies and institutions to activate the cost accounting requirements addressed above.

Sec. 50. Annual Reports and Inventories. None of the moneys appropriated in this Act in Articles I, II, III, or IV may be expended after a period of one hundred (100) days following the close of the 1993 fiscal year and ninety (90) days following the close of the 1994 fiscal year, unless there has been filed with the Governor, the State Auditor, the Legislative Budget Board, Legislative Reference Library, and Comptroller of Public Accounts an annual report as of August 31 of the preceding fiscal year by the executive head of each department or agency specified in this Act, showing the use of appropriated funds. The goal of the legislature is to ultimately reduce the reporting date to fifty (50) days following the close of the fiscal year to allow the timely reporting of accounting data and the issuance of the state's Comprehensive Annual Financial Report. The annual report shall include the following:

1. An annual financial report including a statement of assets, liabilities and fund balances and showing the true condition of all funds and accounts balances for which the department or agency head is responsible, and reflecting the actual cash on hand and on deposit in banks and in the State Treasury accounts, and moneys due the department or agency from all sources; values of consumable supplies and postage; values of inventories of movable equipment and other fixed assets; investments of bonds, notes, and other securities owned by any special funds under the jurisdiction of the department or agency; all other assets; and all sums of which the department or agency is liable for services rendered or goods received; and all outstanding commitments. The report shall also contain summaries by sources of all revenues collected or accruing to the state through the department or agency for the fiscal year immediately preceding; and a summary of appropriations, expenditures, bona fide encumbrances and all other disbursements of the department or agency for the fiscal year. The Comptroller of Public Accounts is to approve all reports as to form and content.
2. A list of all bonded employees showing name, title, and amount of surety bond, together with the name of the surety company.
3. An analysis of space occupied by the department or agency showing the number of square feet rented and the number of square feet occupied in state-owned buildings; giving the location of such space by building name or address and the number of square feet devoted to office, warehouse or other designated uses, indicating the cost per square foot, cost per month, annual cost and lessor of all rented space, and such other information as may be of assistance in describing the space utilized by each state department or agency.
4. An itemized statement of all professional and/or consulting fees paid out of appropriations made in this Act. The statement shall include the name of each person, partnership, corporation or other business entity receiving such fees and for what purposes the fees were paid. Except as otherwise provided by this Act, the statement shall include the services of licensed professionals, as defined in Article 666-4, V.A.C.S., and the personal services of individuals or entities under an independent contract to study or advise the agency as defined in Article 6265-11c., V.A.C.S.
5. A summary of the costs of operating and the use made of state-owned aircraft or aircraft operated under long-term lease or rental. The summary shall be in a format specified by the Legislative Budget Board and the State Aircraft Pooling Board and shall include aircraft

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description, date purchased or leased, cost, hours flown, operating costs, number of flights and destination, number, names and destination of passengers, date of each flight and a detailed and specific description of the official business purpose of each flight. Aircraft flight logs required by this section shall be provided on a monthly basis to the State Aircraft Pooling Board.

6. A list of purchases made in accordance with Article 601b, Section 3.09, V.A.C.S., to which the General Services Commission has taken exception. Each item in the list should contain the following information: product purchased, vendor and purchase amount.
7. A section, consisting of the Master File Report Verification Form certified by the Texas General Land Office, confirming that the inventory report is an accurate and complete record of the agency's real property as of the date specified, or if the report is not accurate and complete, that the appropriate update forms will be submitted within 15 days of the date of the annual report. Certification by the General Land Office will serve as acknowledgement that the agency is in compliance with the real property inventory reporting requirements as stated in Texas Natural Resource Code, §31.151, et seq. A copy of this section should be directed to the General Land Office for inclusion in the State Real Property Inventory records.
8. It is further provided that the State Auditor is to certify to the Comptroller of Public Accounts any and all departments which have not filed the required annual report within the specified time, and the Comptroller of Public Accounts is to withhold any salary warrants or expense reimbursement warrants to the heads or any employees of such departments or agencies as are on this certified list until such time as the State Auditor shall notify the Comptroller that such delinquent reports have been filed. The words "heads of departments or agencies" as used in this Section shall mean the elected and appointed officials, members of commissions, boards, etc., and the chief administrative officer of such department, board, commission, bureau, office, or agency of the state for which appropriations are made in this Act.

All departments, institutions of higher education, agencies, officers and employees or agents of the state shall, in addition to those estimates and reports now provided by law relating to appropriations, submit a binding encumbrance report by appropriation account relating to prior year's non-construction appropriations within sixty days after the close of a fiscal year to the Comptroller of Public Accounts, State Auditor and the Legislative Budget Office. The Comptroller of Public Accounts, upon receiving the report, will promptly lapse any excess prior year appropriation authority. If an agency submits a valid claim after sixty days against a prior year appropriation account, the Comptroller of Public Accounts may re-open the account sufficient to pay the claim. The Comptroller of Public Accounts is to approve all reports as to form and content.

Sec. 51. Bookkeeping Entries. Should clerical or bookkeeping errors result in any moneys being expended, transferred, or deposited into incorrect funds in or with the State Treasury or any moneys being cleared from a trust and suspense fund to other than the proper fund, such erroneously expended, transferred, deposited, or cleared moneys may be transferred to the correct funds or accounts or trust and suspense account within the State Treasury upon request of the administering department with the concurrence of the State Comptroller, and so much as is necessary for said transfer is hereby appropriated.

Sec. 52. Cost Allocations. For the purpose of more effective and efficient identification and allocation of costs, and to effect timely payments to employees and vendors, agencies may temporarily charge salary and/or operating costs to appropriations most applicable for the expense being incurred. Upon receipt of more specific information such as personnel-time allocation

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information for payrolls, or allocation of office supplies or other goods and services, agencies may reimburse the original paying appropriations by transfer from the appropriation to which the expenditure should have been charged. Such transfers must be accomplished within twelve months in a manner which records appropriate expenditures to the borrowing appropriation and negative expenditures to the lending appropriation. These transfers may be in summary amounts in a manner approved by the Comptroller of Public Accounts. Each agency must maintain adequate detailed records to support summary transfer amounts.

Sec. 53. Tort Claims Act. None of the funds appropriated in this Act may be expended for the purpose of purchasing policies of insurance covering claims arising under the Texas Tort Claims Act. Notwithstanding the foregoing, state agencies may purchase director's or officer's liability insurance with appropriated funds for the agency's appointed commission or board members and executive management staff.

Payments for outside legal counsel employed by an agency or board of the State or Texas shall not exceed the sum of \$100,000 in any single lawsuit unless and until expenditure of amounts in excess of said \$100,000 is specifically approved by the Governor.

Sec. 54. Discriminatory Practices. None of the funds appropriated in this Act shall be expended by agencies which practice discrimination based on race, creed, sex or national origin. The State Attorney General shall be specifically responsible for the enforcement thereof upon the request of the Governor.

Sec. 55. Reimbursements for Unemployment Benefits.

1. At the close of each calendar quarter, the Texas Employment Commission shall prepare a statement reflecting the amount of unemployment benefits paid to all former state employees based on wages earned from state employment and present it to the Comptroller of Public Accounts, who is hereby directed to pay by warrant or transfer out of funds appropriated from the General Revenue Fund and the Unemployment Compensation Special Administration Fund such amount to the Unemployment Compensation Benefit Account to reimburse it for such payments.

The General Revenue Fund and the Unemployment Compensation Special Administration Fund shall be reimbursed from amounts appropriated elsewhere in this Act from Other Special Funds and from funds held in local bank accounts for all former state employees whose payroll warrants were originally issued in whole or part from Other Special Funds or local bank accounts. From information provided by the Texas Employment Commission, the Comptroller of Public Accounts shall determine the proportionate amount of the reimbursement or payment due from funds other than General Revenue and transfer such funds to the General Revenue Fund and/or the Unemployment Compensation Special Administration Fund. For reimbursements due from funds not held in the State Treasury, state agencies shall reimburse the General Revenue Fund and/or the Unemployment Compensation Special Administration Fund with a check. Such transfers and payments as are authorized under law shall be made within thirty (30) days from receipt of the statement of payments due. The Comptroller of Public Accounts may prescribe accounting procedures and regulations to implement this section.

2. An agency, institution, department, commission, board, division, or other unit of state government is authorized to allocate funds to a revolving account created on its books to receive contributions from funds other than General Revenue based on a percentage-of-payroll assessment to be determined by such unit of government for the purpose of reimbursing the General Revenue Fund and/or the Unemployment Compensation Special Administration Fund for the unemployment benefits paid.

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3. The State Auditor shall review in his audit of respective agencies compliance with the provisions of this section. The Comptroller of Public Accounts, upon receipt of notification from the State Auditor's Office of amounts remaining due from funds held outside the State Treasury, shall lapse or reduce equivalent amounts of any General Revenue appropriations for such agencies until the delinquent amounts are repaid.
4. The Comptroller of Public Accounts, upon certification of amounts due from the Texas Employment Commission, including the sources of such amounts due, may transfer funds from such state agencies, institutions, departments, commissions, boards, divisions, or other units of state government as the Texas Employment Commission certifies remain due over thirty (30) days from receipt of the statement of payments due. The Texas Employment Commission shall also determine the amounts due from funds held outside the Treasury and notify the State Auditor and Comptroller of such amounts.

Sec. 56. Distribution of Reports. No unit of government covered under Articles I through IV of this Act shall expend funds for the purpose of distributing reports, pamphlets or other printed matter to Members of the Legislature and other state officials unless they have complied with the following provisions:

1. Agencies designated above shall deposit copies of all printed matter prepared for distribution with the Legislative Reference Library.
2. Agencies desiring to make distribution to members of the Legislature and other state officials shall send notification that the material is on file and upon request of the person notified shall mail the number of copies requested, provided that these restrictions shall not prevent the mailing of reports required by general law.

Sec. 57. Reimbursements for Workers' Compensation Payments.

1. At the close of each fiscal quarter, the Workers' Compensation Division of the Attorney General's Office shall prepare a statement reflecting the amount of workers' compensation benefits paid to, or on behalf of, former and current state employees based on wages earned from state employment and present it to the Comptroller of Public Accounts.

The General Revenue Fund shall be reimbursed from amounts appropriated elsewhere in this Act from Other Special Funds and from funds held in local bank accounts for all former and current state employees whose payroll warrants were originally issued in whole or in part from Other Special Funds or local bank accounts. From information provided by the Workers' Compensation Division of the Attorney General's Office, the Comptroller of Public Accounts shall determine the proportionate amount of the reimbursement or payment due from funds other than General Revenue and transfer such funds to the General Revenue Fund. State agencies shall reimburse the General Revenue Fund with a check for reimbursements due from funds not held in the State Treasury. Such transfers and payments as are authorized under law shall be made within thirty (30) days from receipt of the statement of payments due. The Comptroller of Public Accounts may prescribe accounting procedures and regulations to implement this section.

2. An agency, institution, department, commission, board, division, or other unit of state government is authorized to allocate funds to a revolving account created on its books to receive contributions from funds other than General Revenue based on a percentage-of-payroll assessment to be determined by such unit of government for the purpose of reimbursing the General Revenue Fund for the workers' compensation paid.

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(Continued)

3. The State Auditor shall review in his audit respective agencies compliance with the provisions of this section. The Comptroller of Public Accounts, upon receipt of notification from the State Auditor's Office of amounts remaining due from funds held outside the State Treasury, shall lapse or reduce equivalent amount of any General Revenue appropriations for such agencies until the delinquent amounts are repaid.
4. The Comptroller of Public Accounts, upon certification of amounts due from the Workers' Compensation Division of the Attorney General's Office, including the sources of such amounts due, may transfer funds from such state agencies, institutions, departments, commissions, boards, divisions, or other units of state government as the Workers' Compensation Division of the Attorney General's Office certifies remain due over thirty (30) days from receipt of the statement of payments due. The Workers' Compensation Division of the Attorney General's Office shall also determine the amounts due from funds held outside the Treasury and notify the State Auditor and Comptroller of such amounts.

Sec. 58. Last Quarter Expenditures. It is specifically provided that all state agencies, boards, commissions, departments and other governmental units using funds appropriated in this Act may not expend during the last quarter of any fiscal year more than one-third of the funds appropriated for that fiscal year. Specifically exempted from these provisions are expenditures contracted for in previous quarters; funds required by statute, rule or regulation to be expended on a different time frame; seasonal employment of personnel; construction contracts; contracts dealing with purchases of food, medicines or drugs; personnel connected with the phase-in of schools for the mentally retarded; expenditures related to the Chronically Ill and Disabled Children's program operated by the Department of Health; and expenditures occasioned by disaster or other Act of God. None of the funds exempted from this Section may be considered in the computation of the total funds appropriated in any fiscal year referred to in this Section.

Sec. 59. Publication or Sale of Printed, Recorded, or Electronically Produced Matter or Records. The moneys appropriated by this Act may be used for the publication, recording, production, and distribution of any matter of public interest, including lists, notices, pamphlets, video tapes, audio tapes, microfiche, films or other electronically produced information or records. The subject matter of the items distributed or sold must be directly related to the statutory responsibilities of the department or agency.

Any moneys received and collected from any charges specifically authorized by statute for such publications or records are hereby appropriated to the department or agency issuing the publications for use during the year in which the receipts are collected. The State Comptroller is to credit such receipts to the like appropriation item or items from which the original costs are paid.

Sec. 60. Appropriation Transfers. Subject to any specific restrictions in other provisions of this Act, appropriations contained in this Act may be transferred from one appropriation item to another appropriation item in amounts not to exceed 35 percent for the fiscal year, at the discretion of the chief administrative officer of each agency, department, or institution. As a specific exception to this transferability authority, funds appropriated for capital budget items and for technology goods and services are subject to restrictions contained in this Act.

Appropriations made in this Act to each agency, department, or institution are not subject to transfer between agencies, departments or, institutions except under the provisions of interagency contract, budget execution statutes or specific rider or statutory authorization.

Sec. 61. Construction Standards. All agencies, departments and institutions covered by this Act shall ascertain that the standards and specifications for new construction, repair and rehabilitation of existing structures and facilities are in accordance with Article 601b, Vernon's Annotated Texas

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Statutes. A statement shall be filed with the Comptroller of Public Accounts to show compliance with this Section.

Sec. 62. Construction Project Analysis Required. None of the moneys appropriated in this Act in Articles I, II, IV, and to the Central Education Agency, the School for the Blind and Visually Impaired and School for the Deaf, may be expended for capital construction projects that are subject to project analysis provisions of the General Services Act, Article 601b, Section 5, unless the agency, department or institution has complied with those provisions and completed the project analysis process. Prior to expenditure of any funds appropriated to agencies, departments or institutions named in Articles I, II, IV and to the Central Education Agency, School for the Blind and Visually Impaired and School for the Deaf, for capital construction projects, a completed project analysis must be filed with the Legislative Budget Board, the Governor's Office of Budget and Planning, and the Comptroller of Public Accounts.

Sec. 63. Publications.

1. No funds appropriated in this Act shall be expended in the preparation and distribution of any publication except for Texas Highways, Texas Parks and Wildlife Magazine, and Commission on Alcoholism publications whose cost is not totally reimbursed through revenue attributable to its publication or sale if the content or format of the publication is: (1) intended for use by the general public; (2) generally informational, promotional, or educational; and (3) not essential to the achievement of the primary objective(s) of the agency or institution. Publications specifically exempted from this prohibition are the following: (1) annual reports and other materials that are required by statute and whose content deals only with topics set forth in the law; (2) compilations of law, rules, or regulations; (3) newsletters; (4) Attorney General opinions; and (5) Comptroller opinions, revenue forecasts and fiscal analysis.
2. It is the intent of the Legislature that appropriated funds not be used to print publications of any type which prominently displays the name or picture of statewide elected officials.
3. All units of state government and all local political subdivisions which expend appropriated state funds to publish periodicals on quarterly intervals or more frequently than quarterly intervals at no charge shall insert annually in such periodicals a notice, in three consecutive issues, indicating that anyone desiring to continue to receive the publication must so indicate in writing. The agency shall furnish future publications only to those persons requesting.
4. None of the funds appropriated herein shall be used to produce any publications which have been reproduced on enamel coated, cast coated or dull coated stock, or which contain more than one photograph for each two pages of the publication unless a fee is charged for the publication that recovers the cost of its production. Publications which promote tourism or economic development, publications of the School for the Blind and Visually Impaired and the School for the Deaf or publications of agencies of higher education including all agencies of the Texas A&M University System are exempt from this provision.

Sec. 64. Utility Appropriations. All funds appropriated in this Act for utilities shall be used for this purpose and no other, except as provided in Article 601d, Section 12, V.A.C.S. In order to insure the occurrence of this restriction, the Comptroller shall require agencies expending funds for this purpose to segregate amounts required and to stipulate the source of funding for such amounts.

Sec. 65. Judgments.

1. None of the funds appropriated by this Act may be expended for payment of any judgment or settlement prosecuted by or defended by the Attorney General and obtained against the State of Texas or any state agency, except where it is specifically provided in an item or items of

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(Continued)

appropriation that the funds thereby appropriated may be used for the payment of such judgments.

2. Payment of all judgments and settlements prosecuted by or defended by the Attorney General is subject to approval of the Attorney General as to form, content, and amount, and certification by the Attorney General that payment of such judgment or settlement is a legally enforceable obligation of the State of Texas. This provision shall apply equally to funds appropriated for expenditure through the State Treasury, as well as funds appropriated for expenditure from funds held in local banks.
3. The Attorney General shall report to the Legislative Budget Board and the Governor's Office of Budget and Planning not less than monthly, a listing of all settlements and judgments above \$5,000 submitted to the Comptroller for payment. The document for publication shall contain at least the following information unless all or part of the information is exempt by court order or the Open Records Act: (1) a summary of the cause of action; (2) a summary of the terms of the settlement; (3) the style of the case; (4) the name and business address of each attorney representing the opposing litigants at the time of the settlement; (5) the amount of the judgment or settlement; (6) the fund or account from which payment was or should be made; (7) the statutory citation for the appropriation or other authority to be made; and (8) specific statutes granting waiver of sovereign immunity or legislative resolution granting litigant permission to sue.
4. The State Auditor shall verify compliance with this requirement for all funds appropriated in this Act, including funds which are retained and expended from accounts held outside the Treasury and which are not subject to reimbursement through funds held in the Treasury. Upon verification that an agency has not obtained the Attorney General's approval prior to payment of a judgment or settlement, the State Auditor shall certify such fact to the Comptroller of Public Accounts. The Comptroller shall withhold all appropriations for administrative expenses for the involved agency, until such time as the Legislative Audit Committee notifies the Comptroller that the agency's non-compliance has been reviewed and necessary recommendations or changes made.

Sec. 66. Research Policy. No agency may expend any funds appropriated by this Act for research projects of any type until the agency has adopted and filed with the Legislative Budget Board a policy which clearly establishes and protects the property rights of the state with regard to any patentable product, process, or idea that might result from such research.

In order to avoid duplication, state agencies excluding institutions of higher education may not expend any funds to conduct or support policy research on subjects within the statutory jurisdiction of another agency without providing written notification to the agency concerning work plan and coordination of resources.

Sec. 67. Salaries to be Proportional by Fund. It is the intent of the Legislature that unless otherwise restricted payment for salaries, wages, and benefits paid from appropriated funds, including local funds and education and general funds as defined in V.T.C.A., Education Code, Sec. 51.009 (a) and (c), shall be proportional to the source of funds. Each agency and institution of higher education having General Revenue Fund appropriations and other sources of financing shall file with the Comptroller of Public Accounts and the Office of the State Auditor a schedule demonstrating proportionality. The statement is due January 15, for the salaries, wages, and benefits of the preceding year ended August 31, in a format prescribed by the Comptroller. The State Auditor shall review in his audit of respective agencies compliance with the provisions of this section. The Comptroller of Public Accounts, upon receipt of notification from the State Auditor's office of amounts disproportionately paid from General Revenue Fund appropriations, shall reduce

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(Continued)

current year General Revenue Fund appropriations of the agency or institution until such time as such amounts are repaid from non General Revenue Fund sources.

Sec. 68. Examination Fees. All examination fees including the cost of the examination shall be collected by state agencies, and the payment for the examination cost shall be paid from appropriated funds of the agency.

Sec. 69. Use of State Energy Resources. Before expending any funds appropriated by this Act for the acquisition of oil, gas, coal, lignite or other natural resource used in the production of energy, any agency or institution which leases land for mineral development through a board for lease as authorized by Natural Resources Code, Chapters 34, 35 or 36, shall use, to the greatest extent practical, resources produced from land owned by the institution or agency to meet the energy requirements of the particular institution or agency. In order to implement this provision, the various boards for lease shall include a provision in all mineral leases to allow the taking in kind of any royalties due to the state. Further, the leases may include a provision for placing state meters on all gas wells at the wellhead for monitoring the amount of gas taken.

Sec. 70. Expenditures for State-federal Relations. No funds appropriated in this Act may be spent by a state agency to carry on functions for which funds have been appropriated to the Office of State-Federal Relations to perform except when an interagency contract has been executed between the Office of State-Federal Relations and the state agency. Prior to travel to Washington, D.C., state agency personnel shall inform the Office of State-Federal Relations regarding the timing of the trip, its purpose, and the name of a contact person for additional information.

Sec. 71. State Preservation Board Approval. State agencies appropriated funds to perform services with respect to the operation, maintenance, preservation and restoration of the State Capitol and Old General Land Office Building, their contents and surrounding grounds, shall upon designation by the State Preservation Board expend funds appropriated by this Act to perform such services.

Sec. 72. Reporting of Outstanding Judgments. It is specifically provided that all state agencies, boards, commissions, institutions, and other state governmental units shall report all uncollected and outstanding debts and judgments to the Office of the Attorney General, not later than sixty days after normal agency collection procedures have failed, for further collection efforts. The Office of the Attorney General may develop a uniform reporting procedure for state agencies and institutions to report uncollected debts and judgments to the Attorney General's Office for further collection efforts.

Sec. 73. Expenditures for Representatives of Grievants Prohibited. None of the funds appropriated in this Act may be used to pay expenses for salary, travel or per diem of public employees who represent grievants in the presentation of grievances concerning wages, hours of work, or conditions of work except that state employees are allowed to take annual leave, compensatory leave, or leave without pay, subject to the procedures established by their agency of employment, to engage in this activity.

Sec. 74. Rates for Residential Placements. None of the funds appropriated to the various state agencies for residential placements of clients shall be expended by the agencies unless the rates paid for residential placements do not exceed the maximum amount for each level of care recommended by the Health and Human Services Commission.

State agencies contracting directly with private residential care providers shall use a standard application form and shall require each contractor to submit cost reports according to procedures specified by the Council. State agencies providing funds with which local units of government

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purchase residential services for children shall encourage use of the standard application form and cost report.

Sec. 75. Collection of Funds for Institutional Clients. It is the intent of the Legislature that all state agencies serving clients in institutions shall make every effort to collect funds from all available sources, including, but not limited to, hospitalization coverage and child support.

Sec. 76. Retention of Mineral Rights. No state lands shall be sold unless the mineral rights are retained by the state, unless impractical.

Sec. 77. Access to State Lands. The state shall require egress and ingress on all state lands when any state lands are sold, providing additional state lands in the immediate area an easement to a public thoroughfare.

No state funds shall be expended with any person, corporation or business entity for any purpose not presently specifically authorized by statute where that person, corporation or business entity denies the state access by easement to landlocked state properties. State funds shall be construed as any tax funds, bond monies guaranteed by the state or any other funds flowing to or through any state agency, board, commission, entity or authority and specifically includes river authorities.

Sec. 78. Appropriation of Collections for Seminars and Conferences. All funds collected for the reimbursement of costs associated with the conducting of seminars, conferences or clinics which directly relate to the legal responsibilities and duties of the agency and which are for the purposes of education, training, or informing employees or the general public are hereby appropriated for the necessary expenses incurred in conducting the seminar; provided, however, all applicable laws, and rules and regulations for the acquisition of goods and services for the state shall apply to such expenditures. Any remaining balances from such collections as of August 31, 1993 are hereby reappropriated for the same purpose for the biennium beginning September 1, 1993.

Sec. 79. Maximization of Indirect Cost Reimbursements. It is the intent of the Legislature that all state agencies and institutions participating in federally funded or other programs, where indirect cost reimbursements are an allowable part of charges to the program, establish procedures to maximize the recovery of such costs.

Sec. 80. State Property Use for State Purposes Required. No person shall entrust state property to any state official or employee or to anyone else to be used for other than state purposes.

Sec. 81. Expenditures for Talking Book Machines. Each state agency for which funds are appropriated in this Act are hereby authorized to expend not more than \$100,000 per year from available appropriations for the purchase of talking book machines.

Sec. 82. Limitation on Use of Funds for Personal Residences. Out of appropriations made herein, no expenditures exceeding \$25,000 shall be made from appropriated funds for purchasing, remodeling or repairing of personal residences or living quarters unless the expenditures are either required by court order, or will result in increased safety, significant net cost savings or prevention of substantial waste. Prior to any such expenditure in excess of \$25,000, the Legislative Budget Board shall approve the expenditure under authority pursuant to H.J.R. 72, Acts of the Sixty-ninth Legislature, Regular Session, 1985. In the event of an emergency or in the absence of a meeting by the Legislative Budget Board within 30 days of the request, the Director of the Legislative Budget Board, after consultation with the Board members, may take action on the request. The General Services Commission shall report all expenditures for this purpose to the Legislative Budget Board.

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Sec. 83. Energy Conservation Program. All agencies and institutions appropriated funds in this Act shall adopt and implement an energy conservation program for office buildings owned and leased by the state. The energy conservation program shall include measures recommended by the Office of the Governor together with any other practical maintenance measures that would augment energy savings in state office buildings. A copy of the energy conservation program shall be filed with the Energy Management Center in the Office of the Governor.

Sec. 84. Unfair Business Practices. Funds appropriated by this Act shall not be used to purchase supplies, equipment or services from companies which have been found, in a judicial or state agency administrative proceeding, to be guilty of unfair business practices. This restriction shall also apply to any company which has as an officer an individual who served as an officer in another company which has been found, in a judicial or state agency administrative proceeding, to be guilty of unfair business practices. This restriction on expenditures shall be in effect for a period of one year from the determination of guilt.

Sec. 85. Use of Capital Trust Fund.

1. It is the intent of the Legislature that all proceeds and interest deposited in the Capital Trust Fund to the credit of the Department of Mental Health and Mental Retardation during the 1992-93 biennium, and all receipts and interest received during the 1994-95 biennium from MHMR lands be expressly available for the purpose of funding future legislative appropriations for MHMR only. No proceeds or interest credited to the Capital Trust Fund for MHMR shall be available for appropriations benefitting any other state agency except as outlined in 2 below.
2. It is the intent of the Legislature that the Capital Trust Fund not be available or used by any agency for the purpose of paying salaries. In the event of conflict with other appropriation acts, any matching benefit charges for salaries paid from the fund must be treated as a charge against the appropriation for individual projects in order to conserve the integrity of cash received from each land sale.

Sec. 86. Collections for Peer Assistance Programs for Professionals Appropriated. All funds collected by state agencies during the 1994-95 biennium in accordance with House Bill 900, Sixty-ninth Legislature, Regular Session, 1985, in order to establish, administer, or finance peer assistance programs for professionals impaired by chemical dependency or mental illness are hereby appropriated for the purposes authorized by said Act.

Agencies may contract with, provide grants to, or make other arrangements with an agency, professional association, institutions, or individual to implement the provisions of House Bill 900, Acts of the Sixty-ninth Legislature. In addition, state agencies may accept, transfer, and expend funds made available by the federal or state government or by another public or private source to fund approved peer assistance programs.

Sec. 87. Memberships or Dues for Professional Organizations. In order to conserve funds appropriated to the various departments, agencies, and institutions, the department or agency heads, or heads of higher education units with exception of state libraries, shall review and grant prior approval for any expenditures for recurring memberships or dues to professional organizations.

Sec. 88. Limitation on Expenditures for Leased Space. No funds appropriated under this Act may be expended for leased office or building space for operations which are moved into newly constructed, purchased, expanded, or renovated state owned facilities funded from Texas Public Finance Authority Revenue Bonds.

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Sec. 89. Certification Summary Required. As soon as practical following the Comptroller's certification of the appropriations made by the Seventy-third Legislature, the Comptroller shall transmit to the members of the Legislature a Summary Table which details the basis for certification of the major funds. The table shall be similar in format and detail to the "Major Estimates Summary Tables" published by the Comptroller in the Biennial Revenue Estimate and shall include the 1992-93 biennial appropriations from the major funds.

Sec. 90. State Legalization Impact Assistance Grants. Federal State Legalization Impact Assistance Grant (SLIAG) funds received by state agencies as reimbursement in fiscal year 1994 and fiscal year 1995 for SLIAG-related administrative costs, costs of providing language and citizenship classes, costs incurred by local units of government, costs incurred by the Department of Health or costs incurred by health-related institutions of higher education and state-funded family practice residency programs whose funding is administered by the Texas Higher Education Coordinating Board in providing services to eligible legalized aliens are hereby appropriated to state agencies, including the health-related institutions and the Texas Higher Education Coordinating Board, for the purpose of augmenting existing state appropriations or reimbursing local units of government. Otherwise, federal SLIAG funds received by state agencies in fiscal year 1994 and fiscal year 1995 as reimbursement for costs incurred in providing services to eligible legalized aliens paid for out of existing program appropriations shall be deposited to the General Revenue Fund.

Sec. 91. Nursing Uniform Allowances. All nurses required to wear uniforms provided by their agency or institution while conducting their official duties are to receive a cleaning allowance of \$200 per year unless the employing agency provides a cleaning service for the uniforms at no cost to the employees. Those nurses who must provide their own required uniform shall receive a clothing and cleaning allowance of \$700 per year, unless the employing agency provides a cleaning service for the uniforms at no cost to the employees in which case they shall receive a clothing allowance of \$500 per year. As an exception to this provision, any agency or institution whose employees democratically elect to do so, shall have the option of utilizing funds set aside for nursing uniform allowances as prescribed by this section to enhance nursing at the institution through the provision of institutionally provided child care, nursing career ladder improvement, nurse recruitment, and other purposes consistent with the enhancement of nursing activities.

Implementation of this section shall not result in a reduction of indigent care delivered by the employing agency or institution nor in the salaries of nurses employed by the employing agency or institution.

Sec. 92. Acknowledgement of Exceptions to Section 3.09. The Legislature directs the General Services Commission to notify the board and commission members, agency heads and elected officials of all state agencies including institutions of higher education that the Commission has taken exception to the respective agency's decision to purchase any good, service, or item on a non-competitive basis.

Sec. 93. Acknowledgement of State Auditor Reports. The Legislature directs the State Auditor's Office to notify the board and commission members, agency heads and elected officials of all state agencies including institutions of higher education of any report published by the State Auditor concerning the respective agency, board or institution.

Sec. 94. Special Fiscal Year Determination Procedures.

- (1) Subscriptions to magazines and newspapers. The funds appropriated by this Act to a state agency for a particular fiscal year may be used to pay for the complete cost of a magazine or newspaper subscription even if the subscription covers more than one fiscal year.

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- (2) Seminars and conferences. The funds appropriated by this Act for a particular fiscal year may be expended to pay the complete cost of registering for or reserving a meeting room for a seminar or conference notwithstanding the fact that it will occur during the next fiscal year. This subsection applies only if the sponsor of the seminar or conference or owner of the meeting room requires the payment to be received before the beginning of the next fiscal year. Payments under this subsection are subject to rules and procedures established by the Comptroller of Public Accounts.
- (3) Monthly telephone line charges. The funds appropriated by this Act for a particular fiscal year may be expended to pay a monthly telephone line charge that covers all or part of August of that fiscal year and all or part of September of the next fiscal year. This subsection does not apply to long-distance or other charges made on a per-call basis.

Sec. 95. Competitive Cost Review Program. Each state agency subject to the competitive cost review program established under the provisions of Senate Bill 298, Seventieth Legislature, Regular Session, 1987, is authorized to transfer savings that result from reduced costs under the efficiency initiative between line items and between sub-items as specified by Article 601b, Section 13.07, V.A.C.S.

Sec. 96. Purchases of Information Resources Technologies.

- 1. In this section:
 - a. "Information resources" means the personnel, procedures, equipment, and software that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information.
 - b. "Information resources technologies" means data processing and telecommunications hardware, software, services, supplies, personnel, facility resources, maintenance, and training.
- 2. Each state agency appropriated funds in this Act shall submit an agency strategic plan to the Department of Information Resources (DIR) for approval no later than January 1, 1994. An agency strategic plan must be consistent with and based upon the state strategic plan referred to in sub-section 3. below. The agency strategic plan must be an integral part of an agency's legislative appropriations request and, after being approved by DIR, must be used by DIR in reviewing the agency's future purchases of information resources technologies. The agency strategic plan at a minimum must include:
 - a. a brief statement clearly identifying the agency's mission, programs, goals, and objectives;
 - b. a description of the agency's data processing environment;
 - c. a description of the agency's current structure for managing information resources;
 - d. a statement of the agency's strategic direction for the next two fiscal years concerning the management of information resources;
 - e. a statement of reconciliation between the agency strategic plan and the state strategic plan; and

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(Continued)

- f. a statement of the agency's projected requirements for information resources technologies during the next two fiscal years.
- 3. By no later than November 1, 1993, DIR shall adopt a state strategic plan for the management of information resources. The state strategic plan must be a visionary road map for the management of the state's information resources. The plan must:
 - a. provide a strategic direction for the management of information resources for the four fiscal years following adoption of the plan;
 - b. provide the framework so that the state's telecommunications systems can efficiently and effectively exchange information between state agencies;
 - c. provide long-range policies for the state in achieving an integrated and efficient information resources network;
 - d. identify major issues relating to the improved management of information resources; and
 - e. recommend procurement policies and specifications for implementation by the General Services Commission (GSC) so that full competition among providers of information resources technologies is encouraged.
- 4. Except as otherwise provided in this Act, the funds appropriated in this Act may not be expended to purchase information resources technologies unless GSC issued a purchase order after a DIR approved purchase. DIR may approve a purchase only if it is in accordance with an approved agency strategic plan.
- 5. DIR shall adopt rules concerning:
 - a. whether certain types of purchases are exempt from this section;
 - b. the expediting of the purchase review process;
 - c. the format, content, updating, submission, and review of agency strategic plans;
 - d. the review of purchases of information resources technologies; and
 - e. emergency purchases of information resources technologies.
- 6. Pursuant to the authority granted by Article 16, Section 69 of the Texas Constitution, none of the funds appropriated in Articles I, II and III to the agencies indicated below shall be expended for the acquisition of information resources technologies of any kind, including data processing and telecommunications hardware, software, supplies, maintenance, services and training, until:
 - a. The agency plans are approved as required under the Information Resource Management Act.
 - b. DIR has approved the agency selection of the most cost-effective alternative for the acquisition including, but not limited to, the following applicable alternatives: (1) acquisition of information resources from another state agency or agencies; (2) acquisition of information resources from a private firm; or (3) in-house development of information resources.

OTHER PROVISIONS (Continued)

- c. DIR has approved that the agency performed a satisfactory analysis of alternatives. The agency analysis shall include, but not be limited to, the following factors: (1) start-up costs associated with the acquisition, including but not limited to, the purchase price of the acquisition, site preparation costs, freight charges, and staff costs; (2) estimated cost of maintenance; (3) estimated cost of supplies; (4) estimated cost of employee training; (5) estimated cost of additional long-term staff needed; (6) estimated increase in employee productivity; (7) consistency with agency plans approved by DIR; (8) consistency with statewide standards and policies established in the Statewide Strategic Plan.

The DIR shall adopt rules and procedures to govern the implementation of this subsection. Such rules may include the waiver of the DIR review and approval for expenditures below certain limits, for emergency purposes, or after a designated time period has elapsed.

This subsection is specifically applicable to the following agencies:

Article I

Board of Public Accountancy
 Adjutant General's Department
 Department of Agriculture
 Aircraft Pooling Board
 Alcoholic Beverage Commission
 Animal Health Commission
 National Guard Armory Board
 Commission on the Arts
 Office of the Attorney General
 Board of Barber Examiners
 Board of Chiropractic Examiners
 Department of Commerce
 Cosmetology Commission
 Department of Criminal Justice
 Board of Dental Examiners
 Employment Commission
 Board of Registration for Professional Engineers
 Texas Ethics Commission
 Department of Banking
 Office of Consumer Credit Commissioner
 Savings and Loan Department
 Commission on Fire Protection
 Fire Fighters Pension Commissioner
 Office of the Governor
 Historical Commission
 Department of Housing and Community Affairs
 Commission on Human Rights
 Department of Insurance
 Office of Public Insurance Counsel
 Board of Private Investigators and Private Security Agencies
 General Land Office and Veterans' Land Board
 Board of Professional Land Surveying
 Commission on Law Enforcement Officer Standards and Education
 Library and Archives Commission
 Board of Medical Examiners
 Natural Resources Conservation Commission
 Board of Nurse Examiners

OTHER PROVISIONS

(Continued)

Parks and Wildlife Department
 Pension Review Board
 Structural Pest Control Board
 Board of Pharmacy
 Board of Physical Therapy Examiners
 Board of Plumbing Examiners
 Board of Podiatry Examiners
 Preservation Board
 Board of Examiners of Psychologists
 State General Services Commission
 Racing Commission
 Railroad Commission
 Real Estate Commission
 Department of Public Safety
 Secretary of State
 Soil and Water Conservation Board
 Board of Tax Professional Examiners
 Department of Transportation
 Treasury Department
 Public Utility Commission
 Veterans Commission
 Board of Veterinary Medical Examiners
 Water Development Board
 Workers' Compensation Commission

Article II

Department on Aging
 Commission on Alcohol and Drug Abuse
 Commission for the Blind
 Cancer Council
 Commission for the Deaf and Hearing Impaired
 Interagency Council on Early Childhood Intervention
 Health and Human Services Commission
 Department of Human Services
 Department of Mental Health and Mental Retardation
 Department of Protective and Regulatory Services
 Department of Health
 Rehabilitation Commission

Article III

Central Education Agency-Administration

7. Institutions of higher education shall coordinate the use of information technologies between institutions in order to provide education, research, and community service.

Sec. 97. Goods or Services Provided by Texans with Disabilities. State agencies and institutions covered by this Act are encouraged to fully utilize funds herein appropriated to purchase products and services provided by Texans with disabilities under the provisions of Chapter 122, Human Resources Code.

- Sec. 98. Standardized EEO Reporting and Required Compliance Training for State Agencies.**
1. Not later than the seventh workday of each calendar year, each state agency, including public institutions of higher education, shall report equal employment opportunity information for the preceding calendar year to the Texas Commission on Human Rights as required by this

OTHER PROVISIONS (Continued)

section. The report must be made on a form provided by the Commission. The Commission shall collect equal employment opportunity information reported to the Commission by a state agency. The information must include data compiled on a monthly basis showing:

- a. the total number of employees of the agency and the total number of new employees hired each month since the date of the last report made by the agency;
- b. the total number of employees of the agency listed by racial and ethnic group and the percentage of the total number of agency employees for each racial and ethnic group, including a distinction for those categories between the total number of employees and the total number of employees hired each month since the date of the last report made by the agency;
- c. the total number of male employees and the total number of female employees of the agency, including a distinction for those categories between the total number of employees and the total number of employees hired each month since the date of the last report made by the agency;
- d. the total number of male and total number of female employees of the agency for each racial and ethnic group, including a distinction for those categories between the total number of employees and the total number of employees hired each month since the date of the last report made by the agency; and
- e. the total number of employees of the agency listed by job classification and the total number of employees for each sex, race and ethnic group listed by job classification, including a distinction for those categories between the total number of employees and the total number of employees hired each month since the date of the last report made by the agency.

The Commission shall compile the information reported to the Commission under this section with the assistance of the comptroller and the uniform statewide accounting system. No later than December 15 of each year, the commission shall provide each state agency with a copy of the form to be used to make a report under this section for the following year.

2. For the purposes of this section, racial and ethnic groups shall consist of Black, Hispanic, and White.
3. Any state agency, including public institutions of higher education, that fails to comply with reporting requirements set out herein shall pay the Commission an amount not to exceed \$2,000, from funds appropriated through this Act, for each reporting period that the state agency fails to report equal employment opportunity information.
4. All state agencies, including public institutions of higher education, that have three or more complaints of employment discrimination during each year of the biennium shall expend funds appropriated through this Act to receive Comprehensive Equal Employment Opportunity training to be provided by the Texas Commission on Human Rights or other entities or persons approved by the Commission for supervisory and managerial personnel. Supervisory and managerial personnel trained by the Commission shall include, but are not limited to, respondents named in the complaints against such agencies. Each agency shall pay for all training costs or reimburse the Commission for its costs associated with this training through interagency contracts. The cost of training provided by the Commission shall be determined and approved by the Commission and the General Services Commission. Any state agency that fails to comply with the provisions set out herein shall pay the Commission an amount not to exceed \$2,000 from funds appropriated through this Act for

OTHER PROVISIONS

(Continued)

each complaint filed during the biennium. The Commission shall certify to the Comptroller, the Governor, and the Legislative Budget Board that an agency is not in compliance with the provisions set forth herein and such certification shall be the basis for the Comptroller to transfer the appropriate amount of funds appropriated through this Act from the agency to the Commission.

Sec. 99. **Minority Hiring Practices.**

1. The Texas Commission on Human Rights reports that, state agencies and institutions of higher education contained in Sec. ____, Art. ____, SB ____, Acts of the Seventy-third Legislature, Regular Session, 1993, are below the available Blacks, Hispanics and females for one or more categories in the total civilian labor force.
2. The Texas Commission on Human Rights reports that, historically, state agencies and institutions of higher education have underutilized or excluded Blacks, Hispanics and females in proportion to their available numbers in the civilian labor force.
3. The Texas Commission on Human Rights reports that state agencies and institutions of higher education are not employing Blacks, Hispanics and females in proportion to their available numbers in the civilian labor force.
4. The Texas Commission on Human Rights reports that the number of complaints filed with the Texas Commission on Human Rights against state agencies and institutions of higher education during the fiscal year 1992 was 315 at a cost of \$787,500 plus \$1,890,155 for litigation costs.
5. The Texas Commission on Human Rights reports that Whites comprise 64 percent of the total civilian labor force in the state and that minorities comprise 36 percent of the total civilian labor force in the state and of that percentage of minorities, 38 percent are Black and 54 percent are Hispanic.
6. The Texas Commission on Human Rights reports that women comprise 43 percent of the total civilian labor force in the state and that men comprise 57 percent.
7. The Texas Commission on Human Rights reports that for all state agencies and institutions of higher education funded by this Act it shall be a reasonable statewide goal that in the hiring practices for new employees, each state agency and institution of higher education should employ Blacks, Hispanics and females in each job category in relation to their availability in the statewide civilian labor force. For each job category, these percentage goals on a statewide basis are based on the disparity between available Blacks, Hispanics and females within the civilian labor force and their representation in the work force of individual agencies and institutions of higher education. The following percentages represent Blacks, Hispanics and females within the civilian labor force by job category.

| <u>Job Category</u> | <u>Black</u> | <u>Hispanic</u> | <u>Female</u> |
|--------------------------|--------------|-----------------|---------------|
| Officials/Administration | 5% | 8% | 26% |
| Professional | 7% | 7% | 44% |
| Technical | 13% | 14% | 41% |
| Protective Services | 13% | 18% | 15% |
| Para-Professionals | 25% | 30% | 55% |
| Administrative Support | 16% | 17% | 84% |
| Skilled Craft | 11% | 20% | 8% |
| Service/Maintenance | 19% | 32% | 27% |

OTHER PROVISIONS

(Continued)

Each agency shall consider the availability in each local area of minorities in each job category to determine the goal in each local area where the agency hires employees.

8. Each agency and institution of higher education may spend appropriated funds to perform an analysis of their current work force compared to available Black, Hispanics and females in the statewide civilian labor force to determine percentage of exclusion or underutilization by each job category.
9. This rider shall not affect any person employed on the effective date of this Act.
10. Based upon a work force availability analysis that demonstrates the exclusion or underutilization of Blacks, Hispanics and females, or court-ordered remedies, or supervised conciliations or settlement agreements to remedy past or current discrimination, each state agency and institution of higher education shall develop and implement a plan to recruit and select Blacks, Hispanics, and disabled persons. Each state agency and institution shall use selection procedures that are in compliance with the Texas Commission on Human Rights Act. The Commission shall monitor state agencies and institutions to determine compliance with this provision.
11. Nothing in this Act shall be construed to affect court-ordered remedies, affirmative action, conciliation agreements, or settlements that are in accordance with the law.
12. All state agencies and institutions of higher education funded by this Act shall report to the Texas Commission on Human Rights, within 60 days after the close of each fiscal year, the number of Blacks, Hispanic and female hirings and total hirings made during that year. The Texas Commission on Human Rights shall, no later than January 1, 1995, submit to the Legislative Budget Board and the Governor's Office of Budget and Planning a state minority and women hiring practice report detailing this information.

Sec. 100. **Affirmative Action Plans.**

1. In accordance with the schedule established by subsection 2 of this provision, state agencies and institutions shall enlist the assistance of the Texas Human Rights Commission in the review and revision of the affirmative action plan of each agency and institution. The review shall be completed, and necessary revisions implemented, within the first 12 months of the biennium prescribed by the schedule in subsection 2. Thereafter, an annual report detailing compliance with the affirmative action plan shall be submitted by October 1 to the Governor, the Legislature, and the Legislative Budget Board.
2. Review and revision of affirmative action plans shall be performed by state agencies and institutions within each functional category of state government on a six-year cycle according to the following schedule. Agencies and institutions within each functional category shall be defined by the Legislative Budget Board.
 - a) For the 1994-1995 biennium: Education (excluding public community/junior colleges); Public Safety and Corrections; Judicial Agencies and Appellate Courts.
 - b) For the 1996-1997 biennium: Health and Human Services; Transportation; Regulatory Agencies.
 - c) For the 1998-1999 biennium: General Government (excluding Judicial Agencies and Appellate Courts); Employee Benefits; Natural Resources.

OTHER PROVISIONS (Continued)

3. For the 1994-1995 biennium the following additional provisions apply:
 - a) The Office of Court Administration, in consultation with each appellate court, shall develop an affirmative action plan for all appellate courts relating to professional, support, and clerical positions. The annual report as required above shall be filed for each appellate court by the Office of Court Administration, with a copy to the respective court.
 - b) Each university system office shall review and revise the affirmative action plan for the system office and each component within the system. The annual report as required above shall be filed by each system office for each component of the system as well as for the system office.

Sec. 101. **Contracting with Historically Underutilized Businesses.**

1. It is the intent of the Legislature that this section apply to any appropriation made by this Act to state agencies and institutions of government.
2. In this section "historically underutilized business" means:
 - a. a corporation formed for the purpose of making a profit in which at least 51 percent of all classes of the shares of stock or other equitable securities are owned by one or more persons who have been historically underutilized because of their identification as women or as members of certain minority groups, including Black Americans, Hispanic Americans, Asian Pacific Americans, and Native Americans who have suffered the effects of discriminatory practices or similar insidious circumstances over which they have no control;
 - b. a sole proprietorship for the purpose of making a profit that is 100 percent owned, operated, and controlled by a person described by Subdivision a. of this subsection;
 - c. a partnership for the purpose of making a profit in which 51 percent of the assets and interest in the partnership is owned by one or more persons described by Subdivision a. of this sub-section. Those persons must have a proportionate interest in the control, operation, and management of the partnership's affairs;
 - d. a joint venture in which each entity in the joint venture is a historically underutilized business under this subsection; or
 - e. a supplier contract between a historically underutilized business under this subsection and a prime contractor under which the historically underutilized business is directly involved in the manufacture or distribution of the supplies or materials or otherwise warehouses and ships the supplies.
3. This section is an expression of the intent of the Legislature and does not impose a duty not already provided for by general law or negate a power granted by general law.
4. It is the intent of the Legislature that:
 - a. Prior to completion of the study directed in subsection 6 below, each state agency and institution of higher education receiving appropriations in this Act shall, in acquiring, constructing, or equipping new or existing facilities and in the operational implementation of each strategy funded in this Act, make a good faith effort to include historically underutilized businesses in at least 20 percent of the total value of contracts awarded. Upon completion of the study directed in subsection 6 below, each state

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(Continued)

agency and institution of higher education shall seek to award contracts to historically underutilized businesses based on the disparities identified in the study;

- b. the businesses that constitute "historically underutilized businesses" shall be determined by the General Services Commission; and
 - c. under the goal set by this subsection, the agency and general contractor shall give preference, among bids or other proposals that are otherwise comparable, to a bid or other proposal by a historically underutilized business having its home office located in this state.
5. It is the intent of the Legislature that:
- a. the General Services Commission shall certify businesses that are historically underutilized businesses under this section; and
 - b. as part of its certification procedures, the department may approve a municipal program that certifies historically underutilized businesses under substantially the same definition and approve businesses certified by the municipality as historically underutilized businesses under this section.
6. The Comptroller of Public Accounts is hereby appropriated an amount not to exceed \$1,000,000 out of the General Revenue Fund to prepare a disparity study regarding state contracting no later than June 1, 1994. Each agency receiving appropriations shall cooperate with the Comptroller of Public Accounts in developing a Historically Underutilized Business disparity study. Each agency shall report as necessary to the Comptroller to assist in preparation of this report. The Comptroller shall distribute this report to all state agencies and the Legislature, and the General Services Commission shall as soon as practicable begin to perform its related duties under Section 49(c), House Bill No. 2626.
7. It is the intent of the Legislature that:
- a. the commission shall compile a directory of businesses certified as historically underutilized businesses under subsection 2 of this Section;
 - b. the commission shall update the directory at least semiannually and provide a copy of the directory to state agencies semiannually; and
 - c. the commission and state agencies shall use the directory in determining awards of state purchasing and public works contracts.
8. It is the intent of the Legislature that:
- a. Agencies shall report to the commission the following information, classified by minority group status as defined in subsection 2.a. above and by gender: (i) the total number and dollar amount of contracts awarded to historically underutilized businesses; (ii) the number of businesses participating in state bond issuances, if applicable; (iii) the number of businesses used in acquiring, constructing, or equipping state facilities or operating state programs with funds appropriated in this Act; and (iv) the number of minority-owned businesses submitting bids and/or proposals for the acquisition, construction, equipping, or operational implementation of state facilities or programs;
 - b. these reports shall be made each January and July and shall report on the previous six-month period; and

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(Continued)

- c. the commission shall compile and analyze the reports and submit a report based on the analysis to the Governor and the presiding officer of each House of the Legislature each February.
9. It is the intent of the Legislature that:
- a. the commission shall offer assistance and training to historically underutilized businesses in state procurement procedures; and
 - b. the commission shall advise historically underutilized businesses of the availability of state contracts and advise historically underutilized businesses to enter the name of the historically underutilized business on the state's bid list.
10. It is the intent of the Legislature that the General Services Commission shall purchase, lease, rent, or otherwise acquire supplies, materials, services, and equipment for the agency from historically underutilized businesses, including spot purchases and purchases that do not require a competitive bid.
11. It is the intent of the Legislature that:
- a. the commission shall provide for emergency purchases by the agency and may set a monetary limit on the amount of each emergency purchase; and
 - b. each emergency purchase made under this section is subject to the historically underutilized business provisions of this section.
12. It is the intent of the Legislature that:
- a. in purchasing supplies, materials, services, and equipment the General Services Commission may use, but is not limited to, the contract purchase procedure, the multiple award contract procedure, and the open market purchase procedure;
 - b. the General Services Commission shall have the authority to combine orders in a system of schedule purchasing to reach the goal, and it shall at all times try to benefit from purchasing in bulk; and
 - c. all purchases of and contracts for supplies, materials, services, and equipment shall, except as provided herein, be based whenever possible on competitive bids.
13. All agencies and institutions appropriated funds herein shall report to the General Services Commission and Comptroller of Public Accounts all non-treasury funds spent with Historically Underutilized Businesses in accordance with the reporting required in House Bill 799, Seventy-second Legislature.
14. It is the intent of the Legislature that the State Auditor shall, in cooperation with the General Services Commission, develop procedures to periodically monitor compliance by state agencies with this section.
- Sec. 102. High Speed Rail.** As soon as practicable, the Texas High-Speed Rail Authority created by Senate Bill 1190, Acts of the Seventy-first Legislature, Regular Session, or its successor, shall reimburse the General Revenue Fund for the amounts appropriated by Senate Bill 222, Acts of the Seventy-first Legislature, Regular Session.

OTHER PROVISIONS (Continued)

Sec. 103. Appropriation of Bond Proceeds. The proceeds from the issuance and sale of bonds or other obligations pursuant to the provisions of Art. 601d and 601d-1, V.T.C.S., are appropriated to the state agency to whose account the proceeds are deposited or credited. Proceeds include interest and investment income.

Sec. 104. Appropriations from Special Funds.

1. Notwithstanding other provisions of this Act, appropriation amounts from special funds or special accounts in the General Revenue Fund are specifically limited to amounts not to exceed the actual balances and revenues available to each such fund or account.
2. In order to preserve cash balances in the Treasury, the Comptroller of Public Accounts, with the assistance of the State Treasurer, may prescribe rules and procedures as may be necessary to limit or control expenditures or transfers from funds appropriated in this Act. These procedures may include rules relating to the deposit of receipts and issuance of warrants.

Sec. 105. Agricultural Soil and Water Conservation. Pursuant to Chapter 15.434, Texas Water Code, there is hereby appropriated from the Agricultural Soil and Water Conservation Fund No. 563 deposits from that fund to each of the following agencies in equal amounts, not to exceed \$200,000 each, for purposes specified by statute: Texas Water Development Board; Texas State Soil and Water Conservation Board; Texas Agricultural Experiment Station; and Texas Agricultural Extension Service. Any balances remaining as of August 31, 1994, are hereby appropriated for fiscal year 1995.

Sec. 106. Limitation on Expenditures - Capital Budget. Contained herein in appropriations made to certain agencies in Articles I, II, III, and IV of this Act are amounts identified as the "Capital Budget." No funds in excess of 15 percent of appropriations not restricted to capital budget purposes may be expended for purposes included within the definition of capital budget. This restriction does not apply to: expenditures for capital outlay items not included in the definition of the Capital Budget herein; or, to expenditures for Capital Budget purposes made by formula-funded general academic teaching institutions, public community/junior colleges or the Lamar Centers. The Capital Budget is defined to include expenditures for assets with a project cost or unit cost in excess of \$25,000 within the following categories:

1. Acquisition or Lease-purchase of Land and Real Property (except for right-of-way purchases made by the State Department of Transportation),
2. Construction of Buildings and Facilities,
3. Repairs or Rehabilitation of Buildings and Facilities,
4. Construction of Highways and Roads (except for such expenditures made by the Department of Transportation),
5. Acquisition or Lease-purchase of Information Resource Technologies,
6. Transportation Items
7. Purchase or Lease-purchase of Capital Equipment and Items.

Any expenditure directly related to acquisition of an asset, or to place an asset in service may be paid from the Capital Budget. In implementing the provisions of this section, the Office of the Comptroller of Public Accounts should refer to the *Detailed Instructions for Preparing and*

OTHER PROVISIONS

(Continued)

Submitting Requests for Legislative Appropriations for the Biennium Beginning September 1, 1993 and the official budget request submitted by the affected agency.

Funds allocated for "Acquisition or Lease-purchase of Information Resources Technologies" may also be used to purchase or contract for computer time, facility resources, maintenance and training.

Any unexpended balances remaining in appropriations made in this Act for capital budget purposes for fiscal year 1994 are hereby reappropriated for fiscal year 1995 for the same purpose.

Sec. 107. Registered Nurses and Licensed Vocational Nurses. Any state agency may pay an additional evening shift differential not to exceed 15 percent of the monthly pay rate to registered nurses who work the 3:00 p.m. to 11:00 p.m. shift, or its equivalent, and an additional night shift differential not to exceed 10 percent of the monthly pay rate to persons in the above named job classifications who work the 11:00 p.m. to 7:00 a.m. shift, or its equivalent. An additional weekend shift salary differential not to exceed five percent of the monthly pay rate may be paid to persons in the above named job classifications.

Sec. 108. Coordinated Technology Training. The Legislature instructs all state agencies to maximize the utilization of appropriated funds used for information resources technology training by coordinating their training plans each calendar quarter with the Department of Information Resources if such offerings meet agency requirements and are cost-competitive.

Sec. 109. Cooperation in Implementing USAS. The Legislature directs each agency, department, and institution to cooperate fully with the Comptroller of Public Accounts in implementing the Uniform Statewide Accounting System (USAS). Full cooperation includes adopting standards as promulgated, complying with instructions, and otherwise participating in good faith toward the timely implementation of USAS under the direction of the Comptroller of Public Accounts.

Sec. 110. State Agency Cost Savings/Revenue Enhancement Plans. It is the intent of the legislature that appropriations made in this Act be utilized in the most efficient and effective manner possible to achieve the intended purposes of administering agency operations and programs. In order to achieve identifiable spending reductions, savings, or revenue enhancements of not less than \$100 million for the General Revenue Fund during the 1994-95 biennium, the following provisions shall apply to funds appropriated in this Act:

1. All agencies and institutions of higher education shall review their operations and budgets and file with the Legislative Budget Board, the Comptroller's Office, and the Governor's Office plans for cost savings and revenue enhancement programs. The plans required by this section shall be submitted no later than December 1, 1993. A Productivity Plan approved by the Texas Incentive and Productivity Commission under the Productivity Bonus Program shall be considered a valid savings plan under this section.
2. The Comptroller of Public Accounts shall analyze the plans and report to the Legislative Budget Board on or before January 31, 1994 the identified savings achieved through the cost savings and revenue enhancement programs. The Legislative Budget Board shall determine the amounts to be reduced for each agency and institution of higher education to realize the minimum savings of \$100 million to the General Revenue Fund. The Legislative Budget Board may reduce appropriations in amounts necessary to accomplish the total reduction goal. In the event the Legislative Budget Board fails to reduce budgets within 90 days of notification from the Comptroller, the Comptroller shall reduce appropriations. The Comptroller shall utilize the savings identified in the cost savings and revenue enhancement programs together with across-the-board reductions to agency and institution appropriations to achieve the minimum savings of \$100 million. The Comptroller shall apply the across-the-board reduction to all appropriations except those designated as being estimated to achieve

OTHER PROVISIONS (Continued)

the total required reductions. The Comptroller shall notify the Governor, Legislative Budget Board, and the affected agencies and institutions of higher education of such appropriation reductions.

Reductions of appropriations by either the Legislative Budget Board or the Comptroller will be accomplished with as few exceptions and exemptions of state agencies and institutions of higher education as practicable.

State agencies and institutions of higher education that identify certifiable savings for their respective agency or institution that exceeds 1% of that agency's or institution's biennial general revenue appropriations shall not be subject to any additional reductions of their respective appropriations as a result of this rider.

3. Agencies or institutions of higher education may not pay achievement bonus awards unless a cost savings and revenue enhancement plan is on file with the Legislative Budget Board, the Comptroller's Office, and the Governor's Office. Agencies or institutions of higher education may not pay achievement bonus awards in excess of the total cost savings and revenue enhancement identified in their plan.
4. The Comptroller of Public Accounts and the Legislative Budget Board shall jointly develop rules and procedures for the above provisions, where applicable.

Sec. 111. Employee Meal Authorization. State agencies providing institution-based services including the Department of Criminal Justice, the Department of Mental Health and Mental Retardation, the Texas Youth Commission, the School for the Blind and Visually Impaired, and the School for the Deaf are authorized to provide meals to employees working in institutional settings and may charge a fee at costs established by the agencies which do not exceed the direct and indirect costs of preparation.

Sec. 112. Job Notice Posting Waiver. To the extent permissible by law, any agency affected by legislatively-mandated reorganizations and/or mergers may transfer or reassign an employee without the necessity of posting a job vacancy notice provided that the executive director of the agency certifies that each transfer or reassignment is necessary for the proper implementation of the reorganization and/or merger.

Sec. 113. Oil Overcharge Settlement Funds. All funds allocated to the State of Texas through consent decrees, court decrees and administrative orders involving violation of mandatory petroleum pricing and allocation strategies, including the interest earned on those funds as well as the accrued earnings, are hereby appropriated to the Office of the Governor or the administering agency for the biennium beginning September 1, 1993. Any unexpended balances remaining as of August 31, 1993 are hereby reappropriated for the biennium beginning September 1, 1993 and any unexpended balances remaining as of August 31, 1994 are hereby reappropriated for the fiscal year beginning September 1, 1994.

Available funds may be distributed to programs and activities consistent with court-ordered settlements, federal guidelines, and statutory requirements. Notwithstanding other provisions of this Act, the Office of the Governor or the administering agency is authorized to make such transfers among oil overcharge programs qualified by the U.S. Department of Energy or the federal courts as is deemed appropriate by any statutory approval requirements.

The administering agency shall allocate funds based on the designations made below and appropriations provided elsewhere in this Act. The amounts below are hereby designated for the biennium beginning September 1, 1993 for the following purposes:

OTHER PROVISIONS
(Continued)

| <u>General Services Commission</u> | <u>1994</u> | <u>1995</u> |
|--|------------------|-------------|
| Ridesharing | \$ 50,000 | U.B. |
| Energy Emergency Planning | 50,000 | U.B. |
| Recycling | U.B. | U.B. |
| Alternative Energy | U.B. | U.B. |
| State Energy Conservation | 1,000,000 & U.B. | U.B. |
| Energy Efficient County Jails | U.B. | U.B. |
| Consumer Representation | U.B. | U.B. |
| Geophysical Parallel Computation | U.B. | U.B. |
| LoanStar | U.B. | U.B. |
| <u>Department of Housing & Community Affairs</u> | | |
| ENTERP | U.B. | U.B. |
| Weatherization Assistance | U.B. | U.B. |
| Energy Crisis | U.B. | U.B. |
| Low Income Housing Energy Assistance | U.B. | U.B. |
| Housing Partnership | U.B. | U.B. |
| Public-Private Partnership | U.B. | U.B. |
| Native American Restitution | 275,000 & U.B. | U.B. |
| <u>Department of Commerce</u> | | |
| Energy Efficient Air Conditioning | U.B. | U.B. |
| Technology Commercialization Fund | 200,000 | U.B. |
| <u>Water Development Board</u> | | |
| Water System Efficiency | 255,000 & U.B. | U.B. |
| Agricultural Energy Efficiency (Interest Rate Buy-Down Program) | U.B. | U.B. |
| <u>Department of Transportation</u> | | |
| Mass Transit Energy | U.B. | U.B. |
| Traffic Light Synchronization | U.B. | U.B. |
| Rural Public Transportation (Sec. 18) | 9,000,000 | U.B. |
| <u>Water Commission</u> | | |
| Industrial Efficiency | 500,000 | U.B. |
| <u>Texas Transportation Institute</u> | | |
| Regional Transportation Center | U.B. | U.B. |
| <u>University of Houston</u> | | |
| Superconductivity | U.B. | U.B. |

OTHER PROVISIONS
(Continued)

General Land Office

| | | |
|--------------------------------|-----------|------|
| Sustainable Energy Development | 2,000,000 | U.B. |
|--------------------------------|-----------|------|

Alternative Fuels Council

| | | |
|-------------------|------------------|------|
| Alternative Fuels | 5,500,000 & U.B. | U.B. |
|-------------------|------------------|------|

Texas Education Agency

| | | |
|-------------------------------|------------------|------|
| Energy Mgmt for Texas Schools | 3,000,000 & U.B. | U.B. |
|-------------------------------|------------------|------|

Any unexpended balances in oil overcharge funds as of August 31, 1993, for the programs listed above with "U.B." designation in 1994 are hereby redesignated for the biennium beginning September 1, 1993 for the same purposes. All other programs shall lapse any unexpended balances as of August 31, 1993. Designations made above to the Alternative Fuels Council shall be used for the promotion of the use of natural gas and liquified petroleum gas or their derivatives, including vehicle fuel conversions, compression infrastructure equipment and heating/air conditioning systems for school districts and state facilities consistent with Department of Energy regulations and subject to Department of Energy approval, and as directed by the council established by Senate Bill 737, Seventy-third Legislature, Regular Session. Contingent on the non-passage of Senate Bill 737, the unexpended balances for the Alternative Fuels Program are reallocated to the General Services Commission for the biennium beginning September 1, 1993 and the \$5,500,000 in new funds designated above for the Alternative Fuels Program is allocated to the Railroad Commission.

Contingent on passage of Senate Bill 959, any new receipts of oil overcharge funds to the State of Texas or any oil overcharge funds available for reallocation due to the issuance of revenue bonds shall be appropriated to the Legislative Budget Board which shall fund eligible programs with priority given to property-poor school districts and low-income persons.

Sec. 114. **Plants.** None of the funds appropriated by this Act shall be expended for the purchase, rental, or maintenance of live or artificial indoor plants used purely for aesthetic purposes.

Sec. 115. **Report of Expenditures by County.** The Comptroller of Public Accounts shall prepare an annual report reflecting expenditures by state agencies for each county. The report shall include appropriate information to both summarize total expenditures by agency by county, and reflect the type of expenditures by object or other arrangement as determined by the Comptroller. To the extent possible, all expenditures from funds held in the Treasury shall be reported on an actual basis reflecting the county where the goods or services were delivered. However, in situations where it may not be possible or practical to accurately determine the correct county, such as debt service payments, employee fringe benefits, etc., the Comptroller shall estimate the expenditures by county. All state agencies shall cooperate as necessary with the Comptroller in providing necessary information to enable the timely completion of the report. A copy of each report shall be filed with the Governor, Lt. Governor, Speaker of the House of Representatives, and Legislative Budget Board no later than December 1 of each year.

Sec. 116. **In-kind Gas Program.** Under the authority of Subchapter H, Chapter 31 of the Natural Resources Code, the General Land Office shall review and approve any contract entered into by a state agency for the acquisition of an annual average of 100 MCF per day or more of natural gas used to meet its energy requirements. If the General Land Office is able to substitute a contract using in-kind royalty gas from state-owned lands or other gas for the contract under which the agency acquires or proposes to acquire its natural gas supplies, the Commissioner shall, on a monthly basis, inform the Comptroller of the savings being achieved by the agency and the Comptroller shall reduce the agency's utility appropriation authority accordingly. The Comptroller

OTHER PROVISIONS (Continued)

shall transfer the savings realized into the General Revenue Fund. The Comptroller shall report all such savings realized and all such transfers made into General Revenue to the Legislative Budget Board in the report dealing with Utility Appropriations required elsewhere in this Article.

Sec. 117. Annual Fee Rate Review and Adjustment. It is the intent of the legislature that agencies annually review all fees and fee rates administered and adjust rates as necessary to recover the costs of providing services and to maintain rates consistent with inflation.

Sec. 118. Notification of Consultant Contracts. Within 10 days of contracting with a private consultant whose total fee is reasonably foreseeable to exceed \$10,000, a state agency shall provide the information identified in Section 6, Article 6252-11c V.T.C.S. to the Legislative Budget Board, the House Appropriations Committee, the Senate Finance Committee, and the appropriate House and Senate committees.

Sec. 119. Limitation on Consultant Contracts with Previous Employees. None of the funds appropriated to a department or agency may be used to enter into a consultant contract with any individual who has been previously employed by the department or agency within the past twelve months.

Sec. 120. Interpretation of Legislative Intent. It is the intent of the Legislature that funds appropriated in this Act be expended, as nearly as practicable, for the purposes for which they were appropriated. In the event departments and agencies cannot determine legislative purpose from the pattern of appropriations they shall seek to determine that purpose from the proceedings of the legislative committees responsible for proposing appropriations for the State of Texas.

It is further provided that the Comptroller shall not refuse to pass for payment a legal claim, factually justified, for which a valid appropriation has been made.

Sec. 121. Funds Consolidation. Special funds, referred to in the Method of Financing of the various agencies and institutions of higher education, may be consolidated into the General Revenue Fund in accordance with the Government Code Section 403.094. The funds consolidated will be designated as accounts within the General Revenue Fund. Unless otherwise specifically addressed, appropriations and rider provisions for the special funds will be applicable to the accounts created in the General Revenue Fund.

Sec. 122. CMIA Interest Payments. There is hereby appropriated to the State Comptroller for the biennium ending August 31, 1995 sufficient general revenue monies for the payment of interest due the federal government under the Cash Management Improvement Act of 1990 (CMIA).

An amount equal to the amount of interest payments made from general revenue on behalf of special funds or accounts as a result of the federal Cash Management Improvement Act of 1990 is hereby appropriated from special funds. The state treasurer shall notify the comptroller of the amount of such interest payments made from general revenue on behalf of special funds or accounts. The comptroller shall transfer from each special fund or account to general revenue, an amount equal to the amount of interest paid on behalf of each special funds or account.

Sec. 123. Appropriation of Disproportionate Share Hospital Payments to State Owned Hospitals. Disproportionate Share Hospital Program payments from the Department of Health to state owned hospitals are appropriated to the receiving state agency/hospital as replacement funding for funds transferred to the Department of Health and shall be subject to such accounting provisions as required by the Comptroller of Public Accounts including, but not limited to, deposits to the fund or account from which the original source of transfers to the Department of Health was made.

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Sec. 124. Unexpended Balance Carry-forward for Salary Purposes. Agencies and institutions for which the budget structure contains an appropriation item styled "Section 146, 1993 Salary Increase" are hereby authorized to transfer unexpended balances from any of their fiscal year 1994 appropriations not otherwise restricted into fiscal year 1995 in an amount not to exceed 50% of the amount appropriated in fiscal year 1994 in the agency's respective "Section 146, 1993 Salary Increase" appropriation item. Funds transferred pursuant to this provision may be expended only for the purpose of paying salaries.

Funds appropriated in this Act in appropriation items styled "Section 146, 1993 Salary Increase" are appropriated for the purpose of paying that portion of the respective agency's payroll attributable to the across-the-board salary increase authorized for fiscal year 1993 pursuant to Article V, Section 146 of House Bill 1, Seventy-second Legislature, First Called Session, and may be transferred to the appropriate line items for this purpose notwithstanding limitations on transfers found elsewhere in this Act.

Sec. 125. Appropriations Adjustment - Higher Education. From appropriations to the general academic institutions and the two year institutions of higher education in Article III of this Act, the Comptroller of Public Accounts shall transfer unexpended balances from fiscal year 1994 to fiscal year 1995 for each of the affected institutions referenced by this section in an amount not-to-exceed fifty percent of the 1994 general revenue cost of the December 1992 three percent salary increase.

Sec. 126. Accounting for State Expenditures. Notwithstanding the various patterns of appropriation established in this Act, the Comptroller of Public Accounts is hereby directed to account for the expenditure of funds appropriated by this Act in a manner which allows for the reporting of expenditures attributable to each strategy in an agency's respective Strategic Planning and Budget Structure as approved by the Governor's office of Budget and Planning and the Legislative Budget Board. Such information shall be recorded and maintained systematically in the state accounting system in a manner which provides for the integration of the state's budget data and the state's accounting data and to facilitate the state's budget development process.

This provision is not intended to require the deposit into and subsequent disbursement of funds from the State Treasury which relate to Texas Public Education Grants, Skiles Act Debt Service, or Local Funds defined in V.T.C.A. Education Code, Section 51.009(C), except for tuition and lab fees.

Sec. 127. EEPC, Transfer of Funds. Funds authorized in this act for the Educational Economic Policy Center are appropriated and transferred to the Legislative Budget Board. It is the intent of the Legislature that the Educational Economic Policy Center be transferred to the Legislative Budget Board and be located in the Capitol Complex. The General Services Commission shall locate adequate office space for the Center's staff.

Sec. 128. APPAC Council. None of the funds appropriated in this Act may be expended for the administrative support, travel, or per diem reimbursement for the Adolescent Pregnancy Prevention Advisory Council as defined in Human Resources Code 52.002.

Sec. 129. Appropriation Authority for Administrative and Support Costs Allocations. In order for agencies to capture and allocate administrative, support, or other indirect costs, hereinafter referred to as "administrative", to strategies, agencies are authorized to create administrative cost pools with spending authority, unless otherwise specifically restricted or prohibited, as follows:

- A. Agencies have the ability to create temporary administrative cost spending authority to allow for the efficient accounting and reporting for administrative cost breakdowns required by the Legislative Budget Office and the Governor's Office of Budget and Planning in agencies' Legislative Appropriations Requests.

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- B. Agencies may transfer appropriation amounts from any appropriation into the administrative cost pool for payment of these administrative costs.
- C. Using the methodology authorized in Section 52 of this article, or other appropriate means, administrative expenditures must be allocated to the appropriate strategy within one month after the end of each quarter or other reporting period as later required by the Legislative Budget Board and the Governor's Office of Budget and Planning.
- D. Unexpended and unobligated balances in the administrative cost pools must be transferred back to the source appropriation within 30 days after the end of each fiscal year.

It is the intent of the Legislature that the provisions of this section be included in any special appropriation act which makes an appropriation subject to the cost allocation requirements of the Legislative Budget Office and the Governor's Office of Budget and Planning. The Comptroller shall establish rules and procedures for the agencies to carry out the provisions of this section in the Uniform Statewide Accounting System.

Sec. 130. Prompt Payment for Interagency Goods and Services. Any funds appropriated in this Act that are obligated pursuant to written agreement for payment by one state agency or institution to another state agency or institution for the exchange of goods or services shall be remitted within thirty (30) days after the goods or services are provided and an invoice is received. In the event that a receiving agency or institution does not accept the goods or services or finds an error in the invoice, the receiving agency or institution shall notify the performing agency or institution in writing as soon as possible within the 30-day period and shall make payment not less than ten (10) days after the problems are corrected or the error resolved to the satisfaction of both parties. If both parties are unable to agree on the amount of payment, the Comptroller shall determine the appropriate amount. However, in the event that written notice is not provided within the 30-day period, the Comptroller is hereby authorized to transfer the necessary funds upon request by the agency or institution providing the interagency goods and services from appropriated balances of the receiving agency or institution.

Sec 131. Prompt Payment Discounts. State agencies when purchasing goods and services including those purchased through or by the General Services Commission shall negotiate a prompt payment discount with the vendor.

All state agencies when paying for goods and services that were purchased under an agreement that included a prompt payment discount shall submit the necessary payment documents or information to the Comptroller with sufficient lead time to allow the Comptroller to generate a payment or warrant and for the agency to deliver the warrant to the vendor in time to take advantage of the prompt payment discount.

Sec. 132. Performance Rewards and Penalties. It is the intent of the legislature that appropriations made in this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of each state agency and institution. In order to achieve the objectives and service standards established in this Act, agencies and institutions shall make every effort to attain the designated key performance target levels associated with each item of appropriation.

- (a) To support and encourage the achievement and maintenance of these appropriated annual performance levels, continued expenditure of any appropriations in this Act shall be contingent upon compliance with the following provisions:

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(Continued)

- (1) Agencies and institutions, in coordination with the Legislative Budget Board, shall establish performance milestones for achieving targets within each annual budget and performance period; time frames for these milestones and the related performance reporting schedule shall be under guidelines developed by the Legislative Budget Board.
 - (2) Agencies and institutions shall provide testimony as to the reasons for any performance variances to the Senate Finance Committee and the House Appropriations Committee, as determined to be necessary by those committees; assessments of agency and institution performance shall be provided to the committees under guidelines and procedures developed by the Legislative Budget Board.
- (b) Upon a finding that an agency or institution has successfully met or exceeded performance expectations, or has failed to achieve expected performance levels, the Legislative Budget Board, and the Governor, may adopt a budget execution order, which may include but is not limited to, one or more of the following:
- (1) Positive Incentives/Rewards - Increased funding, exemption from reporting requirements, increased funding transferability, formalized recognition or accolade, awards or bonuses, expanded responsibility, or expanded contracting authority;
 - (2) Negative Incentives/Redirection - Evaluation of outcome variances for remedial plan, reduction of funding, elimination of funding, restriction of funding, withholding of funding, reduction of funding transferability, transfer of functional responsibility to other entity, recommendation for placement in conservatorship, direction that a management audit be conducted or direction that other remedial or corrective actions be implemented.
 - (3) The Legislative Budget Board may develop rules and procedures for the implementation of the above provisions.
 - (4) The Legislative Budget Board may request from the State Auditor's Office comments regarding performance penalties and rewards.

Sec. 133. **Quality Assurance Review on Major Information Resources Projects.**

- a. Major information resources projects shall be construed as any information resources technology project identified in an agency operating plan whose development costs are over \$1,000,000 and include one or more of the following: (1) require a year or more to reach operational status; (2) involve more than one agency or government; or, (3) materially alter work methods of agency personnel and/or the delivery of services to agency clients.
- b. The appropriation authority provided for major information resources projects as specified in (a) is contingent upon approval of the project by a Quality Assurance Team comprised of the Legislative Budget Office, Department of Information Resources, and the Office of the State Auditor.
- c. The Quality Assurance Team shall determine major information resources project approval based on the completion of an independent risk analysis for each project meeting the criteria in (a). The Quality Assurance Team may waive the risk analysis requirement for any project it deems appropriate.

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(Continued)

- d. The Department of Information Resources, with the assistance of the Quality Assurance Team, shall develop guidelines and issue rules for the preparation of the risk analysis. The risk analysis shall include, but not be limited to, the following factors:
 - (1) potential impact on statewide goals, objectives, or operations;
 - (2) completeness of planning;
 - (3) appropriateness of the technical solution and/or feasibility;
 - (4) consideration of alternatives;
 - (5) size, costs, and complexity of project;
 - (6) use of a standard systems development methodology;
 - (7) past performance of the agency; and,
 - (8) any other factors the quality assurance team may prescribe.
- e. The level of monitoring shall be proportional to the level of risk to the state as identified by the risk analysis. Based on the determination of the level of risk, the Quality Assurance Team may require the agency to submit a project development plan. The project development plan shall include a description of management and project controls in place and shall detail system development milestones.
- f. The implementing agency must demonstrate to the satisfaction of the Quality Assurance Team that the agency has met project milestones as identified in the approved project development plan prior to the expenditure of funds for major information resources projects in subsequent specified intervals. In addition, at the request of the Quality Assurance Team, the implementing agency may be required to submit reports regarding significant project delays and cost overruns.

Sec. 134. Transfer and Appropriation of Master Equipment Lease Purchase Program Payments. The Texas Public Finance Authority is hereby authorized to transfer each agency's pro rata share of administrative fees and lease payments pursuant to the Master Equipment Lease Purchase Program from each agency's appropriations made elsewhere in this Act to the Texas Public Finance Authority Master Equipment Lease Purchase Program cost of issuance fund(s) and the State Lease Fund No. 507, respectively. Transfers for administrative fees and lease payments shall not be made earlier than fifteen (15) days prior to the date that debt service payment is required. The Texas Public Finance Authority may transfer funds necessary for Master Equipment Lease Purchase Program debt service payments from the State Lease Fund No. 507 to the Texas Public Finance Authority Master Equipment Lease Purchase Program interest and sinking fund(s).

Sec. 135. Agency's Participation in Master Lease Purchase Program. It is the intent of the Legislature that all agencies participate in the Master Equipment Lease Purchase Program to the extent that the Master Equipment Lease Purchase Program is the most cost effective type of financing when using a lease-purchase method for acquisition of capital assets. Agencies are hereby authorized to utilize up to fifteen percent (15%) of appropriations not restricted to capital budget purposes in accordance with Section 106 hereof, "Limitation on Expenditures-Capital Budget", when financing the acquisition of capital assets under the Master Equipment Lease Purchase Program.

Sec. 136. Bank Fees and Charges. From interest income appropriated in this Act, amounts may be used for the purpose of paying bank fees and charges as necessary.

Sec. 137. Space Occupied by Agencies. Agencies funded through appropriations in Articles I and II of this Act shall make every effort to achieve a ratio of not more than one-hundred-fifty-three (153) square feet per employee, in conformance with V.T.C.S., Article 601b, Section 6.021(c), at each agency site for usable office space as defined by the General Service Commission, in both state-owned and leased buildings, insofar as possible without sacrifice of critical public or

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client services, by the end of the 1994-1995 biennium. For purposes of this provision, sites at which 15 or fewer employees are located may be excluded. Each agency shall report its progress toward achieving this objective in its annual financial report required in this Act.

Sec. 138. Administrative Fee Appropriation. The administrative fees charged by the Comptroller to cover the costs incurred as a result of administering the state employee organization membership fee deduction under Section 403.0165, Government Code, are to be deposited in the General Revenue fund as a credit towards the \$100 million spending reductions, savings, and revenue enhancements provided for in Sec. 109, State Employee Incentive Savings/Revenues, in this Article.

Sec. 139. Consolidation of Lease Space to State Owned Space. In the event that any agency moves from leased space to state owned space subsequent to the passage of this Act, the Comptroller of Public Accounts is hereby directed to reduce funds appropriated to each affected agency, by an amount equal to the lease costs that would have been incurred for the remainder of the biennium had the agency remained in leased space, less the costs the agency incurs for moving and/or the agency's tenant finish-out expenses. Required moving and/or tenant finish-out costs incurred by an agency moving from leased to state owned space in fiscal year 1993 may be paid from 1994 year appropriations and costs incurred in 1994 may be paid from 1995 year appropriations as necessary to facilitate the move. Furthermore, the Comptroller of Public Accounts is hereby directed to transfer to the General Services Commission from special funds or accounts of those agencies that move into a state facility funded from Texas Public Finance Authority revenue bond proceeds, each agency's proportional share of the lease payments made for the facility as determined by the General Services Commission. The Comptroller shall reduce the amounts appropriated to the General Services Commission from the General Revenue Fund in Strategy B.1.2., Lease Payments, by an amount equal to the sum of the transfers from the special funds or accounts. These funds are hereby appropriated for the purposes of making lease payments to the Texas Public Finance Authority State Lease Fund No. 507. This section does not apply to the Office of the Attorney General.

Sec. 140. La Paz Agreement. In conformity with the La Paz Agreement of 1983, and in the event that the government of the Republic of Mexico institutes a similar policy, it is the intent of the Legislature that no commercially-operated hazardous waste disposal facility be located within 50 miles of the Texas border with Mexico unless the Texas Natural Resources Conservation Commission has previously conferred with the government of the United States and the government of the Republic of Mexico regarding the placement of such a site.

Sec. 141. Hazardous Waste Plan, Texas-Mexico Border. The Texas Natural Resources Conservation Commission shall develop and implement a plan by January 1, 1994, for the purpose of reducing by at least 50% the discharge of hazardous waste into the environment along the Texas-Mexico border by the year 2000. Source reductions and re-use/recycling shall be given priority relative to these pollution prevention and reduction measures.

Sec. 142. Buildings in Houston. No later than January 1, 1996, the General Services Commission is encouraged to build or buy one or more buildings in Houston that are located in a community development block grant targeted area.

Sec. 143. Construction Policy. No state entity receiving an appropriation under this Act may establish a rule or policy which is inconsistent with the legislative intent that funds appropriated herein for construction projects be expended only pursuant to state entity policies which provide the greatest competitive advantage to the state allowable under Article 5159a., V.T.C.S.

Sec. 144. Advisory Commission on Emergency Communications Systems - Appropriation. All balances on hand and any revenues received by the Advisory Commission on Emergency

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(Continued)

Communications Systems and deposited into the state treasury shall be maintained in a special account and are hereby appropriated to the Commission for the purposes established by law.

Sec. 145. Issuance of Bonds, State Building. Notwithstanding the limitations of Article 601d, Section 9, relating to the location of buildings for which bonds may be issued, the Texas Public Finance Authority or its successor is authorized to issue revenue bonds under this Act to finance construction by the General Services Commission of a state building for health and human services on a 142 acre tract of land, owned by the Texas Department of Mental Health and Mental Retardation, and contiguous to the Fort Worth State School in Tarrant County, at an estimated cost of \$7,000,000.

Sec. 146. Recovery of Expenses Incurred in Obtaining Administrative and/or Penalties. In addition to funds appropriated elsewhere in this act and subject to the approval of the Legislative Budget Board the Department of Mental Health and Mental Retardation, the Department of Insurance, the Department of Health, the Department of Human Services, the Commission on Alcohol and Drug Abuse, and the Office of the Attorney General are hereby appropriated all fees assessed pursuant to Senate Bills 205, 206, 207, 208, 209, 210, 211, 212 or similar legislation and are also hereby appropriated recovered expenses that are incurred in obtaining administrative and/or civil penalties against a hospital, mental health facility, or chemical dependency treatment facility authorized by those bills. Recovered expenses include, but are not limited to, investigative costs, witness fees, attorney fees and deposition expenses.

Sec. 147. Alternative Fuels Infrastructure Finance Program. Contingent upon enactment of Senate Bill 1014, or similar legislation, it is the intent of the Legislature that agencies required to implement alternative fuel technologies under state or federal statutes, participate in the Alternative Fuels Infrastructure Finance program when financing is selected as the most cost effective funding alternative. State agencies are hereby authorized to utilize up to fifteen percent (15%) of appropriations not restricted to capital budget purposes in accordance with Section 106 hereof, "Limitation on Expenditures--Capital Budget", when financing the acquisition of alternative fuel technologies (capital assets).

Sec. 148. Contingency Appropriation--Alternative Fuels Infrastructure Finance Payments Transfer and Appropriation. Contingent upon enactment of Senate Bill 1014, or similar legislation, the Texas Public Finance Authority (TPFA) is hereby authorized to transfer each agency's pro rata share of administrative fees and finance payments pursuant to the Alternative Fuels Infrastructure Finance program from each agency's appropriations made elsewhere in this Act to the TPFA Alternative Fuels Infrastructure Finance program cost of issuance funds(s) and the State Lease Fund No. 507, respectively. Transfers for administrative fees and lease payments shall not be made earlier than fifteen (15) days prior to the date that debt service payment is required. The TPFA may transfer funds necessary for Alternative Fuels Infrastructure Finance program debt service payments from the State Lease Fund No. 507 to the TPFA Alternative Fuels Infrastructure Finance program interest and sinking fund(s) and is hereby appropriated all necessary amounts from those funds for payment of debt service associated with the program. Any reimbursements or payments received by the TPFA for services rendered under agreement with any political subdivision of the state participating in the Alternative Fuels Infrastructure Finance program, are hereby appropriated to the TPFA for debt service payments associated with the program.

Sec. 149. Board Member Diversity. Executive and judicial branch agencies and institutions, which are statutorily or constitutionally authorized to appoint members of boards, commissions or advisory bodies, shall attempt to make these appointments so as to represent the gender composition, minority populations, and geographic regions of the state. In this section, "minority populations" include African Americans, Native Americans, Asian Americans, and Hispanic Americans.

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Sec. 150. 1993 Employee Salary Increase Guarantee. Notwithstanding other provisions in this Act, for all state employees employed prior to September 1, 1993 the salary increase provided by Section 146, of House Bill 1, Acts of the Seventy-second Legislature, First Called Session, 1991, shall be continued by all agencies and institutions during the 1994-95 biennium and shall not be rolled back nor reduced in any way.

Sec. 151. Contingency Appropriations, Senate Bill 674. Contingent upon the passage of Senate Bill 674, or similar legislation by the 73rd Legislature, Regular Session, creating the Health Professions Council, the participating agencies on the council shall transfer funds from each of their appropriated amounts set in this Act in prorated amounts approved by the Governor which are sufficient to cover the cost of the council's adopted budget.

Sec. 152. Redistricting Lawsuit. In the event that the court awards attorney's fees either by approval of a settlement or entry of a final judgement there is appropriated from General Revenue an amount not to exceed \$2,000,000 to pay attorney's fees related to Legislative Redistricting, provided that in no single case shall such fees exceed \$1,250,000. The Comptroller of Public Accounts is instructed to pay the amount to the Plaintiff's attorneys upon receipt from the Office of the Attorney General of proof of a settlement approved by the court or a final judgment.

Sec. 153. Reduction of Appropriations for Travel. The Comptroller of Public Accounts shall reduce the appropriations for fiscal year 1994 and for fiscal year 1995 for all state agencies, including the legislature, funded in Article I, II, III, IV, and VI of this Act in an amount equal to ten (10) percent of their fiscal year 1993 expenditures for travel. The Comptroller shall promulgate rules and procedures to implement this rider based on the following guidelines:

1. The appropriation reduction is to be applied to appropriations from all funds except constitutionally dedicated funds or other sources that cannot be statutorily diverted, federal funds, funds pledged to the payment of bonds or notes, funds held in trust or escrow, or funds held outside the treasury.
2. Not later than November 1 of each fiscal year, the Comptroller shall inform each agency whose appropriations or funds are affected of the amount of the reduction. The agency shall determine the strategy(ies) from which the reduction is to be taken and provide this information to the Comptroller not later than December 1 of each fiscal year. The Comptroller shall provide the Governor and the Legislative Budget Board the amount of reductions by fund and strategy for each agency affected not later than January 1 of each year.
3. The General Revenue Fund Appropriations reduction shall be transferred to the unappropriated General Revenue Fund.
4. From each special fund or account from which appropriations are reduced, an amount equal to the reduction shall be transferred to the unappropriated General Revenue Fund.

It is the intent of the Legislature that each agency make actual reductions in their travel expenditures to achieve savings and economy of operations equal to the required budget reductions contained in this provision. The Legislative Budget Board may consider requests from agencies who demonstrate circumstances which would make such reductions in actual travel impractical or inefficient in accomplishing the goals and strategies contained in their appropriations pattern. Such circumstances may include new or expanded programs, law enforcement, tax collection activities, statutory mandated travel, or other pressing public purposes. The LBB may transfer appropriations from other agencies or programs to replace the 10% annual travel reductions required herein for any such exceptions approved. To the extent agencies expenditures for travel during fiscal years 1994 or 1995 exceed 90% of the total travel expenditures for fiscal year 1993 without specific LBB

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approval, such excess expenditures shall preclude the agency from receiving any supplemental awards of additional appropriation authority from the Governor's Emergency and Deficiency appropriations or appropriation increases or transfers through budget execution authority pursuant to Chapter 317 of the Government Code.

Sec. 154. **ARTICLE II Contingency Reductions.**

1. It is the intent of the Legislature that the recommendations listed below, as developed by the Texas Performance Review (TPR) in *Against the Grain*, the Governor's health Care Cost Containment Initiative and/or any related legislation enacted by the Seventy-third Legislature, be implemented by the appropriate agencies. The Health and Human Services Commission is responsible for the oversight of the implementation of these revenue producing and cost reduction recommendations. The Comptroller of Public Accounts shall assist the Commission and all affected Article II agencies in the implementation of the recommendations. The Commission may transfer appropriations between agencies under the jurisdiction of the Commission for any excess revenues or cost reductions realized from a particular recommendation(s) to cover shortfalls in other recommendation(s). As an offset to the budget reductions imposed in this section, all revenues generated and cost reductions realized from implementation of the TPR recommendations herein referenced are hereby appropriated and shall be used to replace the budget reductions to the maximum extent possible. In addition to authority granted elsewhere in this Act, any unexpended balances remaining from general revenue appropriations made to Article II agencies for fiscal year 1994 may be carried forward to fiscal year 1995 and are hereby appropriated. The Commission shall monitor the use of such increased revenues, cost reductions and the amounts carried forward under this provision. The Commission shall report to the Governor, Legislative Budget Board, and the Comptroller of Public Accounts on or before November 15, 1994, the total aggregate revenues and cost reductions achieved and anticipated by each agency through implementation of the TPR recommendations and the amount of unexpended balances carried forward to fiscal year 1995 under this provision. The report shall identify the revenues and cost reductions by specific recommendation, agency, fiscal year, and include information concerning specific budget transfers, contracts, and other actions taken to implement the measures. Further, the report shall identify by agency and strategy the amount of any unexpended balances carried forward to fiscal year 1995 pursuant to this provision.

The Governor and Legislative Budget Board shall review the report and may make general revenue budget reductions of \$320,706,251 for the fiscal biennium ending August 31, 1995. If the Article II agencies listed below have achieved their target amounts of cost reductions or revenues, the budget reductions shall be made from those agencies' appropriations. In the event the total revenues and cost reductions have not been achieved, and based upon a finding of fact by the Governor and Legislative Budget Board that the Commission and the affected agencies have taken appropriate measures in attempting to reach the target amount, seventy-five percent of the total remaining reductions will be made against general revenue appropriations to Article II agencies. The remaining twenty-five percent of the reductions shall be applied across the board to appropriations to all other agencies including institutions of higher education, excluding the Article II agencies, to achieve the full reductions. The reduction may be applied to any or all appropriations except those designated as being estimated.

In the event the Governor and Legislative Budget Board fail to reduce budgets by February 1, 1995, the Comptroller shall reduce general revenue appropriations to achieve the remaining reductions set by this provision. The Comptroller shall use the criteria expressed above to the Governor and Legislative Budget Board for making budget reductions. The Comptroller shall notify the Governor, Legislative Budget Board, and the affected agencies and institutions of such appropriation reductions.

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2. The following schedule presents the recommendations together with anticipated savings:

| <u>Recommendation</u> | <u>Primary Agency</u> | <u>Fiscal Biennium Ending August 31, 1995</u> |
|----------------------------------|-----------------------|---|
| Governor's Health Care Cost | | |
| Containment Initiative | TDH | \$114,942,251 |
| HHS 2 Selective Contracting | TDH | 35,000,000 |
| HHS 3 Medicaid Supplements | TDH | 38,893,000 |
| HHS 4 Third Party Reimbursements | TDH | 2,139,000 |
| HHS 10 EPSDT | TDH | 6,250,000 |
| HHS 11 Federal Indirect Cost | ALL HHS | 6,872,000 |
| HHS 12 Child Care | DHS | 7,952,000 |
| HHS 13 Federal Funds | PRS | 60,547,000 |
| HHS 14 Healthy Start | TDH | 189,000 |
| HHS 14 Homebuilders | PRS | 19,680,000 |
| HHS 17 JOBS | DHS | 19,500,000 |
| HHS 18 Tax Credits | DHS | 1,380,000 |
| HHS 20 Automation | DHS | 3,684,000 |
| HHS 22 Agency Name Change | TDH | 162,000 |
| GG 47 & 50 Child Support | TDH | 3,516,000 |
| Total | | <u>\$320,706,251</u> |

3. **Governor's Health Care Cost Containment.** Except as required by federal law or regulation, appropriations provided to the Department of Health may not be used to increase Medicaid reimbursement rates for out-patient services until the appropriations from the General Revenue Fund to the Department of Health are reduced by the amounts shown for all of the Medicaid-related items in Subsection 2. It is the intent of the Legislature that access to preventive and primary care services be maintained and enhanced to the greatest extent possible.

4. **Texas Performance Review (TPR) Recommendation HHS3.** In order to implement TPR recommendation HHS3, the Comptroller shall transfer to a general revenue account of the Department of Health the following amounts from state-owned teaching hospitals:

- a. \$2,400,000 annually from state appropriations or fund balances, and
- b. \$9,600,000 annually from non-Medicaid physician fees.

The Comptroller shall also transfer into a general revenue account of the Department of Health any allowable funds from local public hospitals not designated as state matching funds for disproportionate share hospital reimbursement.

The Comptroller may adjust the amounts and timing of the reductions and transfers to conform with the implementation schedule of these payment adjustments and to allow adequate time to obtain federal approval.

5. **Texas Performance Review (TPR) Recommendation HHS 3.** The Health and Human Services Commission, in conjunction with the Department of Health, shall submit for federal approval Medicaid state plan amendments to provide the following adjustments:

- a. Indirect Medical Education for state-operated teaching hospitals,
- b. Medical School Physician Fee Adjustments for services provided in state-operated teaching hospitals,

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c. Sole Community Hospital Payments.

The Commission and/or the Department shall procure an independent consultant to verify that applicable payment ceilings would not be exceeded by these adjustments.

6. **Texas Performance Review (TPR) Recommendation HHS 14.** In order to implement TPR recommendation HHS 14, the Department of Health, in cooperation with the Department of Protective and Regulatory Services and public hospitals, shall implement a child welfare program modeled after Hawaii's Healthy Start Program.
7. **Texas Performance Review (TPR) Recommendation 10.** In order to implement TPR recommendation HHS 10, the Texas Department of Health shall contract with public colleges, universities or any other appropriate entity to provide Early and Periodic Screening Diagnosis and Treatment outreach/informing services for Medicaid eligibles under age 21, to conform with EPSDT federal requirements and guidelines and is to also include the provision of support services (assistance with scheduling and arranging transportation) and the locating, coordinating and monitoring of follow-up diagnosis/treatment services for clients with identified screening abnormalities. The Texas Department of Health shall also contract with public colleges, universities or any other appropriate entity to become screening sites for the provision of Early and Periodic Screening Diagnosis and Treatment medical services. The public colleges, universities and other entities shall provide these services under provider contracts with the Texas Department of Health. Public colleges, universities and other entities shall provide any state matching funds required in the provision of these services.

Health and Human Services Commission

8. **Texas Performance Review (TPR) Recommendation HHS2.** The Health and Human Services Commission, in conjunction with the Department of Health shall submit for federal approval of Medicaid state plan amendments to allow the state to selectively contract with hospitals for Medicaid inpatient services.
9. **Texas Performance Review (TPR) Recommendation HHS4.** In order to implement TPR recommendation HHS4, the Health and Human Services Commission shall procure a consultant on a no-risk, contingency basis to help the state increase its third party reimbursements.
10. **Texas Performance Review (TPR) Recommendation HHS 11.** In order to implement TPR recommendation HHS 11, the Health and Human Services Commission, in junction with the Office of the Governor, may procure on a no-risk contingency basis a consultant to assist health and human service agencies in increasing federal reimbursements for indirect cost recoveries.

Department of Human Services

11. **Texas Performance Review (TPR) Recommendation HHS 12.** In order to implement TPR recommendation HHS 12, the Department of Human Services shall identify all eligible funding sources to recover federal matching funds for the Title IV-A At-Risk Child Care program. The Texas Education Agency shall coordinate with the Department of Human Services and local school districts to ensure all available federal funds are matched. The Department of Human Services and the Texas Education Agency shall file a report of their results with the Governor, the Lieutenant Governor and the Speaker of the House of Representatives not later than February 1 of each year of the biennium.

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12. **Texas Performance Review (TPR) Recommendation HHS 17.** In order to implement TPR recommendation HHS 17, the Comptroller of Public Accounts shall reduce general revenue appropriations to the Department of Human Services for Job Opportunities and Basic Skills (JOBS) as prescribed above. Out of general revenue funds appropriated to the Texas Education Agency for adult basic education and the Adult Education Cooperatives, and to the Texas State Technical College and community colleges as directed by the Higher Education Coordinating Board, an amount not less than the following shall be used to provide education, training services, and necessary support services to AFDC recipients referred by the Department of Human Services who are participating in the JOBS program by entering into contracts or arrangements with the Department of Human Services pursuant to Section 485(a) of the Family Support Act of 1988. Local funds may be used for the purpose of matching federal funds for the JOBS program.

| | 1994 | 1995 |
|-------------------------------|--------------|--------------|
| Adult Basic Education | \$ 2,750,000 | \$ 2,750,000 |
| Community Colleges | \$ 3,000,000 | \$ 9,000,000 |
| Texas State Technical College | \$ 750,000 | \$ 1,250,000 |

The Texas Education Agency and the Adult Education Cooperatives, the Job Training Partnership Act program, the Texas State Technical College and community colleges as directed by the Texas Higher Education Coordinating Board shall establish as a priority AFDC recipients in the JOBS program and shall notify the Department of Human Services if a person who is known to be an Aid to Families with Dependent Children recipient enters adult basic education and furnish other information necessary to enable DHS to comply with federal reporting requirements. The Department of Human Services shall develop by September 1, 1993, memorandums of understanding with affected agencies and institutions to implement HHS 17. The Department of Human Services shall report to the Legislative Budget Board on a quarterly basis the recipients served under this provision by the Adult Basic Education and the Adult Education Cooperatives, Texas State Technical College and community colleges, the total general revenue and other funds used by each to serve these recipients and the total amount of federal dollars matched under this provision.

In order to implement TPR recommendation HHS 17, the Texas Education Agency, Adult Cooperatives, Texas State Technical College and community colleges directed by the Higher Education Coordinating Board, shall enter into contracts with the Department of Human Services to provide education, training services, and necessary support services to AFDC recipients referred by DHS who are participating in the JOBS program.

13. **Texas Performance Review (TPR) Recommendation HHS 20.** In order to implement TPR recommendation HHS 20, the Department of Human Services shall analyze, during the first year of the biennium, the cost of various options, including enhancements of the computer system and other innovative technical solutions, to automatically identify all programs for which a client is eligible, to consider the needs of an entire household at the same time, and to handle multiple programs simultaneously.

Department of Protective and Regulatory Services

14. **Texas Performance Review (TPR) Recommendation HHS 13.** In order to implement TPR recommendation HHS 13, the Department of Protective and Regulatory Services shall procure a consultant on a no-risk basis to assist the state in obtaining federal revenue enhancements.
15. **Texas Performance Review (TPR) Recommendation HHS 14.** In order to implement TPR recommendation HHS 14, the Department of Protective and Regulatory Services, in

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cooperation with other agencies that refer children to foster care, shall implement a child welfare program modeled after Washington's Homebuilder's program.

Sec. 155. Contingency Reduction, Senate Bill 83. Contingent upon the passage of SB 83 or similar legislation, for the purpose of implementing *Against the Grain* recommendations CG 21, CG 34, GG 36 and ED 17, the Comptroller of Public Accounts shall reduce the general revenue appropriation to the affected agencies by \$16,330,000 during the 1994-1995 biennium. The Comptroller of Public Accounts shall allow the agencies adequate time to implement the appropriate administrative changes required to accomplish the savings.

Sec. 156. Contingency Reduction, Senate Bill 371. Contingent upon the passage of SB 371 or similar legislation, for the purpose of implementing *Against the Grain* recommendation PS 19, the Comptroller of Public Accounts shall reduce the general revenue appropriation to the Texas Department of Criminal Justice by \$3,630,000 during the 1994-1995 biennium.

Sec. 157. Contingency Reduction, Senate Bill 378. Contingent upon the passage of SB 378 or similar legislation, for the purpose of implementing *Against the Grain* recommendations PS 3, PS 4, PS 5, PS 7, PS 13, and PS 15, the Comptroller of Public Accounts shall reduce the general revenue appropriation to the Texas Department of Criminal Justice by \$24,400,000 during the 1994-1995 biennium. The Comptroller of Public Accounts shall allow the agency adequate time to implement the appropriate administrative changes required to accomplish the savings.

Sec. 158. Contingency Reduction, Senate Bill 381. Contingent upon the passage of SB 381 or similar legislation, for the purpose of implementing *Against the Grain* recommendations GG 3 and CG 2, the Comptroller of Public Accounts shall reduce the general revenue appropriation to the affected agencies by \$4,200,000 during the 1994-1995 biennium. The Comptroller of Public Accounts shall allow the agencies adequate time to implement the appropriate administrative changes required to accomplish the savings.

Sec. 159. Contingency Reduction, Senate Bill 383. Contingent upon the passage of SB 383 or similar legislation, for the purpose of implementing *Against the Grain* recommendation CG 10, the Comptroller of Public Accounts shall reduce the general revenue appropriation to the affected agencies by \$1,080,000 during the 1994-1995 biennium. The Comptroller of Public Accounts shall allow the agencies adequate time to implement the appropriate administrative changes required to accomplish the savings.

Sec. 160. Incentive Retirement Reduction and Delay Retirement Transfers. In accordance with Senate Bill 81, 73rd Legislature, Regular Session, the following restrictions and limitations apply to appropriations made elsewhere in this act:

1. The Comptroller shall identify to the Legislative Budget Board the savings made by each state agency in salary costs because of service retirement incentives provided in Senate Bill 81. The board shall make General Revenue Fund appropriation reductions to agencies achieving salary savings of at least \$13,411,000 not later than November 1, 1993, and additional reductions of at least \$27,340,000 not later than November 1, 1994. In the event that the board does not make the reductions in the amounts and within the periods specified above, the Comptroller shall make across-the-board reductions on all agencies' appropriations to achieve a total General Revenue Fund reduction for the biennium ending August 31, 1995 of \$40,751,000.
2. The Comptroller shall not make the June, July, and August, 1995 monthly payments from any fund or account to the state accumulation account of the trust fund for the Employees Retirement System of Texas. The Comptroller shall make the payments for those months deferred on September 1, 1995. Based upon a certification by the Employees Retirement

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(Continued)

System of Texas, the Comptroller shall transfer from the General Revenue Fund to the state accumulation account of the trust fund the interest on the deferred payments based upon the greater of 8% or the actual rate of yield that would have been earned on the payments if they had not been deferred.

3. The Comptroller shall not make the June, July, and August, 1995 monthly payments from any fund or account to the state accumulation account of the trust fund for the Teacher Retirement System of Texas. The Comptroller shall make the payments for those months deferred no later than September 3, 1995. Based upon a certification by the Teacher Retirement System, the Comptroller shall transfer from the General Revenue Fund to the state accumulation account of the trust fund the interest on the deferred payments based upon the greater of 8% or the actual rate of yield that would have been earned on the payments if they had not been deferred.

Sec. 161. **Foundation School Program.** Contingent upon a finding of fact by the Comptroller of Public Accounts after certification of this Act that sufficient revenue is estimated to be available from the General Revenue Fund and special funds, there is hereby appropriated \$100,000,000 for the second year of the 1994-1995 biennium on or after October 1, 1994, to the Central Education Agency for the purposes of supplementing funding for the Foundation School Program, as determined by the Commissioner of Education and according to the provisions of Senate Bill 7 or similar legislation regarding school finance and subject to the prior written approval of the Legislative Budget Board.